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Senate File 2359

H-8319

- 1 Amend Senate File 2359, as passed by the Senate, as
2 follows:
3 1. Page 4, line 8, by striking <entrepreneurs> and
4 inserting <entrepreneurs, minority entrepreneurs, and
5 entrepreneurs with a disability>
6 2. Page 4, line 18, by striking <entrepreneurs> and
7 inserting <entrepreneurs, minority entrepreneurs, and
8 entrepreneurs with a disability>
9 3. Page 4, line 25, after <entrepreneur,> by
10 inserting <minority entrepreneur, or entrepreneur with
11 a disability,>
12 4. Page 4, line 26, by striking <entrepreneurs> and
13 inserting <entrepreneurs, minority entrepreneurs, and
14 entrepreneurs with a disability>
15 5. Page 4, line 28, by striking <women> and
16 inserting <women, minority persons, or persons with a
17 disability>

DUNKEL of Dubuque

BERRY of Black Hawk

H. MILLER of Webster



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House File 2469

H-8320

1 Amend House File 2469 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 99D.2, subsection 9, Code 2014,
5 is amended to read as follows:

6 9. "*Racetrack enclosure*" means all real property
7 utilized for the conduct of a race meeting, including
8 the racetrack, grandstand, concession stands, offices,
9 barns, kennels and barn areas, employee housing
10 facilities, parking lots, and any additional areas
11 designated by the commission. "*Racetrack enclosure*"
12 also means all real property utilized by a licensee
13 under this chapter who is not required to conduct
14 live racing pursuant to the requirements of section
15 99D.9A, on which pari-mutuel wagering on simultaneously
16 telecast horse or dog races may be conducted and lawful
17 gambling is authorized and licensed as provided in this
18 chapter and chapter 99F.

19 Sec. 2. NEW SECTION. 99D.9A Dog racetrack
20 licensure — discontinuance of live racing requirement
21 — fees.

22 1. Upon written notification to the commission by
23 September 1, 2014, and agreement to comply with the
24 requirements of this section, a licensee authorized to
25 conduct pari-mutuel wagering at a dog racetrack and to
26 conduct gambling games pursuant to section 99F.6 as of
27 January 1, 2014, may, as of the live racing cessation
28 date, continue to maintain a license as provided
29 in this section for purposes of conducting gambling
30 games and pari-mutuel wagering on simultaneously
31 telecast horse or dog races without the requirement
32 of scheduling performances of live races at the dog
33 racetrack. For purposes of this section, the "live
34 racing cessation date" is October 31, 2014, for the
35 licensee of the pari-mutuel dog racetrack located
36 in Dubuque county, and December 31, 2015, for the
37 licensee of the pari-mutuel dog racetrack located in
38 Pottawattamie county.

39 2. Upon the live racing cessation date of a
40 licensee, all of the following shall occur:

41 a. The commission shall determine what portion
42 of the unexpended moneys in the dog racing promotion
43 fund created in section 99D.12 is attributable to the
44 licensee as of the live racing cessation date of the
45 licensee and shall transfer those moneys to the Iowa
46 greyhound pari-mutuel racing fund created in section
47 99D.9B.

48 b. Any agreement which was approved by the
49 commission for dog purse supplement payments for live
50 racing by the licensee shall be terminated.

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1 c. Within thirty days after the live racing
2 cessation date of the licensee of the pari-mutuel dog
3 racetrack located in Pottawattamie county, the kennel
4 owners and operators and greyhound owners shall, at
5 their expense, remove all of their property including
6 the greyhounds from the racetrack.
7 3. a. To maintain a license under this chapter
8 to conduct gambling games and pari-mutuel wagering on
9 simultaneously telecast horse or dog races without the
10 requirement of scheduling performances of live dog
11 races, or to maintain a license under section 99F.4A,
12 subsection 9, the licensee as of the date a payment
13 under this subsection is due shall ensure payment
14 of the live racing cessation fee to the commission
15 for deposit in the Iowa greyhound pari-mutuel racing
16 fund created in section 99D.9B, as required by this
17 subsection.
18 b. Except as provided in paragraph "c", the live
19 racing cessation fee shall be paid and determined as
20 follows:
21 (1) For the licensee authorized to conduct gambling
22 games in Dubuque county pursuant to a license issued
23 pursuant to section 99F.4A, subsection 9, the payment
24 of one million dollars by January 1, 2015, and one
25 million dollars each succeeding January 1 for six
26 consecutive calendar years.
27 (2) For the pari-mutuel dog racetrack located in
28 Pottawattamie county, the payment of nine million two
29 hundred eighty-five thousand eight hundred dollars
30 by January 1, 2016, and nine million two hundred
31 eighty-five thousand seven hundred dollars each
32 succeeding January 1 for six consecutive calendar
33 years. Payments required under this subparagraph shall
34 be made by the manager of the pari-mutuel racetrack
35 located in Pottawattamie county for deposit in the Iowa
36 greyhound pari-mutuel racing fund created in section
37 99D.9B, as required by this subsection.
38 c. (1) If the licensee at the pari-mutuel
39 racetrack located in Pottawattamie county as of
40 January 1, 2014, fails to have the licensee's license
41 renewed, the licensee's obligation and any obligation
42 of the manager of the racetrack to make any further
43 payments as provided in this subsection shall cease.
44 However, the commission shall not issue a license to
45 a subsequent or successor licensee at the pari-mutuel
46 racetrack located in Pottawattamie county until all
47 remaining unpaid installments of the live racing
48 cessation fee required under this subsection are paid.
49 (2) If the licensee issued a license under section
50 99F.4A, subsection 9, fails to have the license

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1 renewed, the licensee's obligation to make any further
2 payments as provided in this subsection shall cease.
3 However, the commission shall not issue a license
4 to a subsequent or successor licensee under section
5 99F.4A, subsection 9, until all remaining installments
6 of the live racing cessation fee required under this
7 subsection are paid.

8 (3) If the manager of the pari-mutuel racetrack
9 located in Pottawattamie county as of January 1,
10 2014, pursuant to a management contract with the
11 licensee, ceases to be the manager of the racetrack,
12 the licensee's obligation and any obligation of the
13 manager of the racetrack to make any further payments
14 as provided in this subsection shall cease. However,
15 the commission shall not approve a management contract
16 with the licensee for a subsequent or successor manager
17 until all remaining installments of the live racing
18 cessation fee required under this subsection are paid.

19 4. Upon written notification to the commission by
20 the licensee of the pari-mutuel dog racetrack located
21 in Dubuque county as provided in subsection 1, all of
22 the following shall occur:

23 a. The licensee shall be authorized to maintain a
24 license issued to the licensee by the commission to
25 conduct gambling games pursuant to the requirements of
26 section 99F.4A, subsection 9.

27 b. The licensee shall maintain a license under this
28 chapter until December 31, 2014. The licensee shall,
29 until the live racing cessation date of the licensee,
30 conduct pari-mutuel wagering on live dog races and
31 shall, until December 31, 2014, be authorized to
32 simultaneously telecast horse or dog races as provided
33 by an agreement to conduct live racing during the 2014
34 calendar year.

35 5. a. The licensee of the pari-mutuel dog
36 racetrack located in Pottawattamie county who is
37 not required to conduct live racing pursuant to the
38 requirements of this section shall do all of the
39 following:

40 (1) Remain licensed under this chapter and pursuant
41 to section 99F.4A as a pari-mutuel dog racetrack
42 licensed to conduct gambling games and pari-mutuel
43 wagering on simultaneously telecast horse or dog races.

44 (2) Continue to pay the annual license fee and
45 regulatory fee as a pari-mutuel dog racetrack licensed
46 to conduct gambling games pursuant to the requirements
47 of section 99F.4A.

48 (3) Comply with all other applicable requirements
49 of this chapter and chapter 99F except for those
50 requirements concerning live dog racing.

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1 **b.** However, nothing in this chapter shall require
2 the licensee of the pari-mutuel dog racetrack in
3 Pottawattamie county to conduct pari-mutuel wagering
4 on simultaneously telecast horse or dog races to
5 remain licensed under this chapter or to conduct
6 gambling games without the requirement of scheduling
7 performances of live dog races.
8 **6. a.** Compliance with the requirements of this
9 section and the establishment of the Iowa greyhound
10 pari-mutuel racing fund in section 99D.9B shall
11 constitute a full satisfaction of and discharge from
12 any and all liability or potential liability of a
13 licensee authorized to conduct gambling games in
14 Dubuque county pursuant to section 99F.4A, subsection
15 9, the licensee of the pari-mutuel dog racetrack
16 located in Pottawattamie county, and the Iowa greyhound
17 association which may arise out of either of the
18 following:
19 (1) The discontinuance of live dog racing or
20 simulcasting.
21 (2) Distributions made or not made from the
22 Iowa greyhound pari-mutuel racing fund created in
23 section 99D.9B or the purse escrow fund created in
24 the arbitration decision issued in December 1995 with
25 regard to the purse supplements to be paid at the
26 pari-mutuel dog racetrack in Pottawattamie county.
27 **b.** Compliance with the requirements of this section
28 and establishment of the Iowa greyhound pari-mutuel
29 racing fund in section 99D.9B shall immunize a licensee
30 authorized to conduct gambling games in Dubuque county
31 pursuant to a license issued pursuant to section
32 99F.4A, subsection 9, the licensee of the pari-mutuel
33 dog racetrack located in Pottawattamie county, and
34 the Iowa greyhound association and their respective
35 officers, directors, employees, board members, and
36 agents against claims of liability as described in
37 paragraph "a" made by any person or entity.
38 **Sec. 3. NEW SECTION. 99D.9B Iowa greyhound**
39 **pari-mutuel racing fund.**
40 1. An Iowa greyhound pari-mutuel racing fund is
41 created in the state treasury under the control of the
42 racing and gaming commission.
43 2. The fund shall consist of all of the following:
44 **a.** Moneys in the dog racing promotion fund created
45 in section 99D.12 that were deposited in the fund from
46 a dog racetrack licensee that is no longer required to
47 conduct live dog races pursuant to section 99D.9A.
48 **b.** Moneys deposited in the fund from the live
49 racing cessation fee established in section 99D.9A.
50 3. **a.** Fifty percent of the moneys deposited

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1 in the fund shall first be distributed to the Iowa
2 greyhound association for deposit in the escrow account
3 established by the Iowa greyhound association pursuant
4 to the requirements of section 99D.9C, provided the
5 Iowa greyhound association is licensed under this
6 chapter to conduct pari-mutuel wagering on live dog
7 races or simultaneously telecast horse or dog races
8 pursuant to the requirements of section 99D.9C, by
9 December 15, 2014.
10 **b.** Moneys remaining in the fund following
11 distribution to the Iowa greyhound association as
12 provided in this subsection shall be under the sole
13 control of the commission. The commission shall
14 determine the method by which moneys remaining in the
15 fund will be distributed provided, however, that the
16 commission shall distribute a portion of the moneys
17 in the fund to no-kill animal adoption agencies to
18 facilitate care for and adoption of greyhounds no
19 longer racing as a result of the discontinuance of
20 live racing. The commission may consider objective
21 evidence, including purse payments to greyhound
22 industry participants for the period beginning January
23 1, 2010, and ending December 31, 2014, in determining
24 the method of distribution. The commission may hire an
25 expert to assist in the task of making distributions
26 from the fund. The commission may distribute moneys
27 from the fund to greyhound industry participants and
28 to kennel owners and operators and greyhound owners
29 for costs incurred in removing property from the dog
30 racetrack located in Pottawattamie county as required
31 by section 99D.9A, subsection 2, paragraph "c".
32 Prior to adoption of any formula for distribution,
33 the commission shall allow for input from greyhound
34 industry participants. The distribution decisions of
35 the commission shall be final. The commission may
36 use moneys in the fund to pay its direct and indirect
37 administrative expenses incurred in administering the
38 fund, including the hiring of experts to assist in
39 the commission's distribution determination. Members
40 of the commission, employees of the commission, and
41 any experts hired by the commission pursuant to this
42 section shall be held harmless against any claim
43 of liability made by any person arising out of the
44 distribution of moneys from the fund by the commission.
45 **4.** Section 8.33 does not apply to moneys in the
46 fund. Notwithstanding section 12C.7, subsection 2,
47 interest or earnings on moneys deposited in the fund
48 shall be credited to the fund.
49 **5.** The commission shall adopt rules to administer
50 this section.

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1 Sec. 4. NEW SECTION. 99D.9C Alternative dog
2 racetrack and simulcasting licensure — live racing —
3 lease agreement with gambling games licensee.
4 1. a. The Iowa greyhound association may submit
5 an application to the commission for a license under
6 this chapter to conduct pari-mutuel wagering on live
7 dog races or simultaneously telecast horse or dog
8 races, subject to the requirements of this section.
9 Unless inconsistent with the requirements of this
10 section, the Iowa greyhound association shall comply
11 with all requirements for submitting an application
12 for a license under this chapter. If an application
13 is submitted by October 1, 2014, the commission shall,
14 subject to the requirements of section 99D.9 and this
15 section, determine whether to approve the application
16 for a license by December 1, 2014.
17 b. If the commission approves an application for
18 a license submitted by the Iowa greyhound association
19 pursuant to section 99D.9 and this section, the terms
20 and conditions of the license shall, notwithstanding
21 any provision of law to the contrary, authorize the
22 licensee to conduct pari-mutuel wagering on live
23 dog races or simultaneously telecast horse or dog
24 races conducted at a racetrack enclosure located in
25 Dubuque county subject to the requirements of a lease
26 agreement entered into pursuant to the requirements
27 of this section. The terms and conditions of the
28 license shall also authorize the licensee to conduct
29 pari-mutuel wagering on simultaneously telecast horse
30 or dog races at the facility of a licensee authorized
31 to conduct gambling games under chapter 99F pursuant
32 to an agreement with the licensee of that facility
33 as authorized by this section. A licensee issued a
34 license pursuant to this section shall comply with all
35 requirements of this chapter applicable to licensees
36 unless otherwise inconsistent with the provisions of
37 this section.
38 2. a. The Iowa greyhound association shall
39 establish an escrow fund under its control for the
40 receipt and deposit of moneys transferred to the Iowa
41 greyhound association pursuant to section 99D.9B. The
42 Iowa greyhound association shall use moneys in the
43 escrow fund to pay all reasonable and necessary costs
44 and fees associated with conducting live racing and
45 pari-mutuel wagering on simultaneously telecast horse
46 or dog races, including but not limited to regulatory
47 and administrative fees, capital improvements, purse
48 supplements, operational costs, obligations pursuant
49 to any purse supplement agreement as amended and
50 approved by the commission, payment of rents for

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1 leased facilities and costs of maintenance of leased
2 facilities, payment for products and services provided
3 by the licensee authorized to conduct gambling games in
4 Dubuque county pursuant to section 99F.4A, subsection
5 9, costs to maintain the license, costs for posting a
6 bond as required by section 99D.10, and administrative
7 costs and fees incurred in connection with the pursuit
8 of the continuation of live greyhound racing.
9 **b.** However, if the Iowa greyhound association is
10 not licensed to conduct pari-mutuel wagering on live
11 dog races or simultaneously telecast horse or dog
12 races subject to the requirements of this section or
13 fails to conduct live dog racing during any calendar
14 year beginning on or after January 1, 2015, the Iowa
15 greyhound association shall transfer any unused moneys
16 in the escrow fund to the commission for deposit in
17 the Iowa greyhound pari-mutuel racing fund created
18 in section 99D.9B and shall receive no further
19 distributions from the fund created in section 99D.9B.
20 The commission shall require that an annual audit be
21 conducted and submitted to the commission, in a manner
22 determined by the commission, concerning the operation
23 of the escrow fund.
24 **3. a.** A license issued pursuant to this section
25 shall authorize the licensee to enter into an agreement
26 with any licensee authorized to operate an excursion
27 gambling boat or gambling structure under chapter
28 99F to conduct, without the requirement to conduct
29 live horse or dog races at the facility, pari-mutuel
30 wagering on simultaneously telecast horse or dog races
31 at the facility of the licensee authorized to operate
32 an excursion gambling boat or gambling structure under
33 chapter 99F.
34 **b.** If a lease agreement entered into with the city
35 of Dubuque pursuant to this section is terminated or
36 is not renewed or extended, the licensee authorized to
37 conduct gambling games in Dubuque county pursuant to a
38 license issued pursuant to section 99F.4A, subsection
39 9, shall be authorized to enter into an agreement with
40 a licensee issued a license pursuant to this section to
41 conduct pari-mutuel wagering on simultaneously telecast
42 horse or dog races at the facility of the licensee as
43 provided by this subsection.
44 **c.** If the Iowa greyhound association is licensed
45 as provided in this section and ceases to conduct live
46 dog racing, all revenue generated from an agreement
47 to simultaneously telecast horse or dog races as
48 authorized by this subsection shall be used solely for
49 the purpose of supplementing Iowa-whelped dogs racing
50 at out-of-state facilities.

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1 4. a. Upon written request by the Iowa greyhound
2 association to the city of Dubuque by July 8, 2014,
3 the city of Dubuque shall be authorized to enter into
4 an initial five-year lease agreement with a single
5 option to renew the lease for an additional five years
6 with the Iowa greyhound association beginning January
7 1, 2015, to permit the Iowa greyhound association to
8 conduct pari-mutuel wagering on live dog races and
9 simultaneously telecast horse or dog races at the
10 dog racetrack located in Dubuque county. The lease
11 agreement shall be contingent upon the Iowa greyhound
12 association obtaining a license pursuant to the
13 requirements of this section.
14 b. The lease agreement shall provide for the
15 following:
16 (1) An annual lease payment of one dollar during
17 the initial five-year lease for the racetrack
18 enclosure, which includes the racetrack, kennels,
19 grandstand, and space for a new simulcast facility, and
20 one five-year renewal of the lease agreement at a fair
21 market rental rate.
22 (2) Employees at the racetrack enclosure involved
23 in pari-mutuel wagering as of the live racing cessation
24 date, as provided in section 99D.9A, shall be offered
25 employment by the Iowa greyhound association at the
26 racetrack.
27 (3) Existing collective bargaining agreements
28 concerning employees at the racetrack shall be honored.
29 (4) Live dog racing requirements. The requirements
30 shall provide that the Iowa greyhound association
31 conduct, for calendar year 2015, no fewer than
32 sixty live race days with nine live races per day
33 during the racing season, and for calendar year 2016
34 and subsequent calendar years covered by the lease
35 agreement, no fewer than ninety-five live race days
36 with nine live races per day during each racing season.
37 However, upon mutual agreement by the parties subject
38 to approval by the commission, the number of race days
39 for one or more live racing seasons may be reduced
40 so long as the Iowa greyhound association conducts a
41 minimum number of live races and racing days during
42 that season.
43 (5) Termination provisions, to include termination
44 of the agreement on January 1 of the year following the
45 calendar year in which live dog racing as required by
46 the agreement was not conducted by the Iowa greyhound
47 association.
48 (6) Terms concerning contracts entered into for
49 the conduct of pari-mutuel wagering at the racetrack
50 prior to the live racing cessation date, as provided in

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1 section 99D.9A, at the racetrack.

2 (7) Any other related items concerning the conduct
3 of pari-mutuel wagering at the dog racetrack and the
4 operation of the dog racetrack facility.

5 c. (1) If the parties are unable to reach
6 agreement on any of the terms of the initial lease
7 agreement by October 1, 2014, or to reach agreement on
8 the fair market rental rate for purposes of the one
9 five-year lease renewal by June 30, 2018, if the Iowa
10 greyhound association requests arbitration concerning
11 the renewal by June 18, 2018, the disputed terms of the
12 lease shall be determined by binding arbitration in
13 accordance with the rules of the American arbitration
14 association as of the date for arbitration. A request
15 for arbitration shall be in writing and a copy of the
16 request shall be delivered to the other party. The
17 parties shall each select one arbitrator and the two
18 arbitrators shall choose a third arbitrator to complete
19 the three-person arbitration panel. Each party shall
20 deliver its final offer on each of the disputed items
21 to the other party within fourteen days after the
22 request for arbitration. After consultation with the
23 parties, the arbitrators shall set a time and place for
24 an arbitration hearing. The parties may continue to
25 negotiate all offers until an agreement is reached or a
26 decision is rendered by the arbitrators. For purposes
27 of determining the fair market rental rate for purposes
28 of the one five-year lease renewal, either party may
29 argue, and present arguments and evidence, that the
30 renewal lease rental rate should be based upon the
31 market value of similarly situated undeveloped land, or
32 upon its use as a greyhound track. The submission of
33 the disputed items to the arbitrators shall be limited
34 to those items upon which the parties have not reached
35 agreement. However, the arbitrators shall have no
36 authority to extend the term of the lease agreement
37 beyond the initial five-year term or the one five-year
38 renewal.

39 (2) The arbitrators shall render a decision within
40 fifteen days after the hearing. The arbitrators shall
41 give written explanation for the decision and the
42 decision of the arbitrators shall be final and binding
43 on the parties, and any decision of the arbitrators may
44 be entered in any court having competent jurisdiction.
45 The decision by the arbitrators and the items agreed
46 upon by the parties shall be deemed to be the lease
47 agreement between the parties and such final lease
48 agreement shall not be subject to the approval of
49 the governing body of the city of Dubuque, the Iowa
50 greyhound association, the commission, or any other

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1 government body. Each party to the arbitration shall
2 bear its own expenses, including attorney fees, and
3 the parties shall share equally the filing and other
4 administrative fees of the American arbitration
5 association and the expenses of the arbitrators.

6 Sec. 5. Section 99D.10, Code 2014, is amended to
7 read as follows:

8 **99D.10 Bond of licensee.**

9 A licensee licensed under section 99D.9, including a
10 licensee issued a license subject to the requirements
11 of section 99D.9C, shall post a bond to the state of
12 Iowa before the license is issued in a sum as the
13 commission shall fix, with sureties to be approved by
14 the commission. The bond shall be used to guarantee
15 that the licensee faithfully makes the payments, keeps
16 its books and records and makes reports, and conducts
17 its racing in conformity with sections 99D.6 through
18 99D.23 and the rules adopted by the commission. The
19 bond shall not be canceled by a surety on less than
20 thirty days' notice in writing to the commission. If
21 a bond is canceled and the licensee fails to file a
22 new bond with the commission in the required amount
23 on or before the effective date of cancellation,
24 the licensee's license shall be revoked. The total
25 and aggregate liability of the surety on the bond is
26 limited to the amount specified in the bond.

27 Sec. 6. Section 99D.11, subsection 6, paragraph b,
28 Code 2014, is amended to read as follows:

29 b. (1) The commission may authorize the licensee
30 to simultaneously telecast within the racetrack
31 enclosure or at the facility of a licensee authorized
32 to operate an excursion gambling boat or gambling
33 structure under chapter 99F, for the purpose of
34 pari-mutuel wagering, a horse or dog race licensed
35 by the racing authority of another state. It is the
36 responsibility of each licensee to obtain the consent
37 of appropriate racing officials in other states as
38 required by the federal Interstate Horseracing Act of
39 1978, 15 U.S.C. § 3001 - 3007, to televise races for
40 the purpose of conducting pari-mutuel wagering.

41 (2) A licensee may also obtain the permission
42 of a person licensed by the commission to conduct
43 horse or dog races in this state to televise races
44 conducted by that person for the purpose of conducting
45 pari-mutuel racing wagering. However, arrangements
46 made by a licensee to televise any race for the purpose
47 of conducting pari-mutuel wagering are subject to
48 the approval of the commission, and the commission
49 shall select the races to be televised. The races
50 selected by the commission shall be the same for all

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1 licensees approved by the commission to televise races
2 for the purpose of conducting pari-mutuel wagering.
3 ~~The Except for a licensee that is not obligated to~~
4 schedule performances of live races pursuant to section
5 99D.9A, or a licensee issued a license subject to the
6 requirements of section 99D.9C, the commission shall
7 not authorize the simultaneous telecast or televising
8 of and a licensee shall not simultaneously telecast
9 or televise any horse or dog race for the purpose of
10 conducting pari-mutuel wagering unless the simultaneous
11 telecast or televising is done at the racetrack of a
12 licensee that schedules no less than sixty performances
13 of nine live races each day of the season.

14 (3) For purposes of the taxes imposed under this
15 chapter, races televised by a licensee for purposes
16 of pari-mutuel wagering shall be treated as if the
17 races were held ~~at the racetrack of~~ by the licensee.
18 Notwithstanding any contrary provision in this chapter,
19 the commission may allow a licensee to adopt the same
20 deductions as those of the pari-mutuel racetrack from
21 which the races are being simultaneously telecast.

22 Sec. 7. Section 99D.20, Code 2014, is amended to
23 read as follows:

24 **99D.20 Audit of licensee operations.**

25 Within ninety days after the end of each calendar
26 year, the licensee, including a licensee issued
27 a license subject to the requirements of section
28 99D.9C, shall transmit to the commission an audit
29 of the financial transactions and condition of the
30 licensee's operations conducted under this chapter.
31 Additionally, within ninety days after the end of the
32 licensee's fiscal year, the licensee shall transmit to
33 the commission an audit of the licensee's total racing
34 and gaming operations, including an itemization of all
35 expenses and subsidies. All audits shall be conducted
36 by certified public accountants authorized to practice
37 in the state of Iowa under chapter 542 who are selected
38 by the board of supervisors of the county in which the
39 licensee operates.

40 Sec. 8. Section 99F.1, subsection 21, Code 2014, is
41 amended to read as follows:

42 21. "*Racetrack enclosure*" means all real property
43 utilized for the conduct of a race meeting, including
44 the racetrack, grandstand, concession stands, offices,
45 barns, kennels and barn areas, employee housing
46 facilities, parking lots, and any additional areas
47 designated by the commission. "*Racetrack enclosure*"
48 also means all real property utilized by a licensee
49 under chapter 99D who is not required to conduct
50 live racing pursuant to the requirements of section

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1 99D.9A, on which pari-mutuel wagering on simultaneously
2 telecast horse or dog races may be conducted and lawful
3 gambling is authorized and licensed as provided in this
4 chapter.

5 Sec. 9. Section 99F.4A, subsections 1, 2, 3, and 5,
6 Code 2014, are amended to read as follows:

7 1. Upon application, the commission shall license
8 the licensee of a pari-mutuel dog or horse racetrack
9 to ~~operate~~ conduct gambling games at a pari-mutuel
10 racetrack ~~enclosure~~ subject to the provisions of this
11 chapter and rules adopted pursuant to this chapter
12 relating to gambling except as otherwise provided in
13 this section.

14 2. A license to ~~operate~~ conduct gambling games
15 shall be issued only to a licensee holding a valid
16 license to conduct pari-mutuel dog or horse racing
17 pursuant to chapter 99D on January 1, 1994.

18 3. A person holding a valid license pursuant to
19 chapter 99D to conduct pari-mutuel wagering at a dog or
20 horse racetrack is exempt from further investigation
21 and examination for licensing to ~~operate a conduct~~
22 gambling game games pursuant to this chapter. However,
23 the commission may order future investigations or
24 examinations as the commission finds appropriate.

25 5. In lieu of the annual license fee specified in
26 section 99F.5, the annual license fee for ~~operating~~
27 conducting gambling games at a pari-mutuel racetrack
28 shall be one thousand dollars.

29 Sec. 10. Section 99F.4A, Code 2014, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 9. a. Upon application, the
32 commission shall issue a license to the licensee of the
33 pari-mutuel dog racetrack located in Dubuque county as
34 of the effective date of this provision of this Act to
35 conduct gambling games at a gambling structure subject
36 to the provisions of this chapter and rules adopted
37 pursuant to this chapter relating to gambling. The
38 licensee shall not be required to pay any additional
39 fees or be assessed any additional costs for issuance
40 of the license pursuant to this subsection and shall
41 be exempt, for purposes of the initial issuance
42 of a license under this subsection, from further
43 investigation and examination for a license to conduct
44 gambling games pursuant to this chapter.

45 b. To maintain a license pursuant to this
46 subsection on or after July 1, 2014, the licensee
47 shall provide written notification to the commission
48 by September 1, 2014, as provided in section 99D.9A,
49 subsection 1, pay the live racing cessation fee as
50 provided in section 99D.9A, and otherwise comply with

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to CONFORM to SF 2362)



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1 the requirements of section 99D.9A applicable to the
2 licensee. In addition, the licensee shall pay the
3 annual license fee as specified in section 99F.5 and
4 regulatory fee as a licensee of a gambling structure
5 and shall otherwise be required to comply with all
6 requirements of this chapter applicable to a gambling
7 games licensee not otherwise inconsistent with the
8 requirements of this subsection.

9 Sec. 11. Section 99F.6, subsection 4, paragraph b,
10 Code 2014, is amended to read as follows:

11 b. (1) The commission shall authorize the
12 ~~licensees~~ licensee of the pari-mutuel dog ~~racetracks~~
13 ~~racetrack~~ located in Dubuque county and ~~Black Hawk~~
14 ~~county~~ to conduct gambling games as provided in section
15 99F.4A if the ~~licensees~~ schedule licensee schedules
16 at least one hundred thirty performances of twelve
17 live races each day during a season of twenty-five
18 weeks. For the pari-mutuel dog racetrack located in
19 Pottawattamie county, the commission shall authorize
20 the licensee to conduct gambling games as provided in
21 section 99F.4A if the licensee schedules at least two
22 hundred ninety performances of twelve live races each
23 day during a season of fifty weeks. ~~The However, the~~
24 requirement to schedule performances of live races
25 for purposes of conducting gambling games under this
26 chapter shall not apply to a licensee as of the live
27 racing cessation date of the licensee as provided in
28 section 99D.9A.

29 (2) If a pari-mutuel dog racetrack authorized
30 to conduct gambling games as of January 1, 2014, is
31 required to schedule performances of live races for
32 purposes of conducting gambling games under this
33 chapter during any calendar year, the
34 commission shall approve an annual contract to be
35 negotiated between the annual recipient of the dog
36 racing promotion fund and each dog racetrack licensee
37 to specify the percentage or amount of gambling game
38 proceeds which shall be dedicated to supplement the
39 purses of live dog races. The parties shall agree
40 to a negotiation timetable to insure no interruption
41 of business activity. If the parties fail to agree,
42 the commission shall impose a timetable. If the
43 two parties cannot reach agreement, each party shall
44 select a representative and the two representatives
45 shall select a third person to assist in negotiating
46 an agreement. The two representatives may select the
47 commission or one of its members to serve as the third
48 party. Alternately, each party shall submit the name
49 of the proposed third person to the commission who
50 shall then select one of the two persons to serve as

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1 the third party. All parties to the negotiations,
2 including the commission, shall consider that the dog
3 racetracks were built to facilitate the development and
4 promotion of Iowa greyhound racing dogs in this state
5 and shall negotiate and decide accordingly.
6 Sec. 12. TRANSITION PROVISIONS — PURSE
7 SUPPLEMENTS. The annual contract under section 99F.6,
8 subsection 4, paragraph "b", specifying the percentage
9 or amount of gambling game proceeds which shall be
10 dedicated to supplement the purses of live dog races
11 conducted during the calendar year beginning January
12 1, 2014, at the pari-mutuel dog racetrack located in
13 Pottawattamie county shall be extended to apply to live
14 dog races conducted at the dog racetrack located in
15 Pottawattamie county during the calendar year beginning
16 January 1, 2015.
17 Sec. 13. EFFECTIVE UPON ENACTMENT. The following
18 provision or provisions of this Act, being deemed of
19 immediate importance, take effect upon enactment:
20 1. The section of this Act enacting section 99F.4A,
21 subsection 9.>
22 2. Title page, by striking lines 1 through 3 and
23 inserting <An Act relating to pari-mutuel racetracks,
24 including by providing for live dog racing at
25 pari-mutuel dog racetracks, providing for alternative
26 licensure for dog racetracks, and establishing fees,
27 and including effective date provisions.>
28 3. By renumbering as necessary.

VANDER LINDEN of Mahaska

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(amending this HF 2469
to CONFORM to SF 2362)
ec/nh

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Senate File 2355

H-8321

1 Amend Senate File 2355, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, after line 22 by inserting:
4 <Sec. _____. Section 315.3, subsection 1, Code 2014,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. g. Improving or maintaining highway
7 access to residential housing developments.
8 Sec. _____. Section 315.11, Code 2014, is amended by
9 adding the following new subsection:
10 NEW SUBSECTION. 8. If the project provides access
11 to a residential housing development, the extent to
12 which the affected housing development supports the
13 growth of existing businesses and the attraction of new
14 businesses in the surrounding area.>
15 2. By renumbering as necessary.

THOMAS of Clayton



Iowa General Assembly
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House File 2473

H-8322

1 Amend the amendment, H-8315, to House File 2473 as
2 follows:

3 1. Page 22, after line 21 by inserting:

4 <DIVISION

5 ROAD FUNDING — MOTOR FUEL EXCISE TAXES

6 Sec. _____. Section 452A.3, subsection 1, unnumbered
7 paragraph 1, Code 2014, is amended to read as follows:

8 Except as otherwise provided in this section and in
9 this division, until ~~June 30~~ December 31, 2014, this
10 subsection shall apply to the excise tax imposed on
11 each gallon of motor fuel used for any purpose for the
12 privilege of operating motor vehicles in this state.

13 Sec. _____. Section 452A.3, subsection 1A, Code 2014,
14 is amended by striking the subsection and inserting in
15 lieu thereof the following:

16 1A. a. Except as otherwise provided in this
17 section and in this division, beginning January 1,
18 2015, this subsection shall apply to the excise taxes
19 imposed on each gallon of motor fuel used for any
20 purpose for the privilege of operating motor vehicles
21 in this state.

22 b. An excise tax is imposed on each gallon of
23 ethanol blended gasoline in an amount equal to the sum
24 of sixteen cents per gallon plus five percent of the
25 statewide average retail price of a gallon of ethanol
26 blended gasoline. The portion of the excise tax that
27 is based on the statewide average retail price shall
28 be computed by the department and adjusted annually on
29 January 1 by calculating five percent of the statewide
30 average retail price of a gallon of ethanol blended
31 gasoline, exclusive of federal and state excise taxes,
32 for the twelve-month period beginning October 1 and
33 ending September 30 immediately preceding the calendar
34 year in which the adjusted tax rate will take effect,
35 rounded to the nearest tenth of a cent.

36 c. An excise tax is imposed on each gallon of
37 nonethanol blended gasoline in an amount equal to the
38 sum of sixteen cents per gallon plus five percent of
39 the statewide average retail price of a gallon of
40 nonethanol blended gasoline. The portion of the excise
41 tax that is based on the statewide average retail
42 price shall be computed by the department and adjusted
43 annually on January 1 by calculating five percent of
44 the statewide average retail price of a gallon of
45 nonethanol blended gasoline, exclusive of federal
46 and state excise taxes, for the twelve-month period
47 beginning October 1 and ending September 30 immediately
48 preceding the calendar year in which the adjusted tax
49 rate will take effect, rounded to the nearest tenth of
50 a cent.

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1 ~~d.~~ The department shall adopt rules prescribing
2 the process for computing the portion of the excise
3 tax under paragraph "~~b~~" that is based on the statewide
4 average retail price of a gallon of ethanol blended
5 gasoline and the portion of the excise tax under
6 paragraph "~~c~~" that is based on the statewide average
7 retail price of a gallon of nonethanol blended
8 gasoline.
9 Sec. _____. Section 452A.3, subsections 1B and 1C,
10 Code 2014, are amended by striking the subsections.
11 Sec. _____. Section 452A.3, subsection 3, Code 2014,
12 is amended to read as follows:
13 3. ~~a.~~ For the privilege of operating motor
14 vehicles or aircraft in this state, there is imposed
15 an excise tax on the use of special fuel in a motor
16 vehicle or aircraft.
17 (1) (a) The tax Beginning January 1, 2015, the
18 rate of the excise tax on special fuel for diesel
19 engines of motor vehicles is twenty-two and one-half an
20 amount equal to the sum of eighteen cents per gallon
21 plus five percent of the statewide average retail
22 price of a gallon of special fuel for diesel engines
23 of motor vehicles. The portion of the excise tax that
24 is based on the statewide average retail price shall
25 be computed by the department and adjusted annually on
26 January 1 by calculating five percent of the statewide
27 average retail price of a gallon of special fuel for
28 diesel engines of motor vehicles, exclusive of federal
29 and state excise taxes, for the twelve-month period
30 beginning October 1 and ending September 30 immediately
31 preceding the calendar year in which the adjusted tax
32 rate will take effect, rounded to the nearest tenth of
33 a cent.
34 (b) The department shall adopt rules prescribing
35 the process for computing the portion of the excise tax
36 that is based on the statewide average retail price of
37 a gallon of special fuel for diesel engines of motor
38 vehicles.
39 (2) The rate of tax on special fuel for aircraft is
40 three cents per gallon.
41 (3) On all other special fuel, unless otherwise
42 specified in this section, the per gallon rate is
43 the same as the motor-fuel tax on nonethanol blended
44 gasoline.
45 ~~b.~~ Indelible dye meeting United States
46 environmental protection agency and internal revenue
47 service regulations must be added to fuel before or
48 upon withdrawal at a terminal or refinery rack for that
49 fuel to be exempt from tax and the dyed fuel may be
50 used only for an exempt purpose.

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1 Sec. _____. Section 452A.3, Code 2014, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 6A. By December 15 of each year,
4 the director shall cause an advisory notice to be
5 published in the Iowa administrative bulletin and
6 in a newspaper of general circulation in this state,
7 stating the rate of excise taxes established pursuant
8 to subsection 1A and subsection 3, paragraph "a",
9 subparagraph (1), both as enacted in this Act, that
10 will take effect the following January 1.
11 Sec. _____. Section 452A.3, subsection 4, as amended
12 by 2014 Iowa Acts, Senate File 2338, section 3, is
13 amended to read as follows:
14 4. For compressed natural gas used as a special
15 fuel, the rate of the excise tax is ~~twenty-one cents~~
16 ~~per gallon the rate imposed for nonethanol blended~~
17 gasoline under subsection 1A, paragraph "c".
18 Sec. _____. Section 452A.3, subsection 4A, as enacted
19 by 2014 Iowa Acts, Senate File 2338, section 4, is
20 amended to read as follows:
21 4A. For liquefied natural gas used as a special
22 fuel, the rate of the excise tax is ~~twenty-two and~~
23 ~~one-half cents per gallon the rate imposed for special~~
24 fuel for diesel engines of motor vehicles under
25 subsection 3, paragraph "a", subparagraph (1).
26 Sec. _____. 2005 Iowa Acts, chapter 178, section 41,
27 subsection 3, is amended to read as follows:
28 3. REPEAL. This section is repealed effective July
29 1, ~~2015~~ 2025.
30 Sec. _____. APPLICABILITY — INVENTORY TAX.
31 Notwithstanding section 452A.85, persons who have title
32 to motor fuel, ethanol blended gasoline, undyed special
33 fuel, compressed natural gas, liquefied natural gas, or
34 liquefied petroleum gas in storage and held for sale on
35 the effective date of an increase in the rate of excise
36 tax imposed on motor fuel, ethanol blended gasoline,
37 undyed special fuel, compressed natural gas, liquefied
38 natural gas, or liquefied petroleum gas pursuant to
39 this Act shall not be subject to an inventory tax on
40 the gallonage in storage as provided in section 452A.85
41 as a result of any tax increase due to implementation
42 of this Act.
43 Sec. _____. EFFECTIVE DATE.
44 1. Except as provided in subsection 2, this
45 division of this Act, being deemed of immediate
46 importance, takes effect upon enactment.
47 2. The following sections of this division of this
48 Act take effect January 1, 2015:
49 a. The section amending section 452A.3, subsection
50 3.

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- 1 b. The section amending section 452A.3, subsection
2 4, as amended by 2014 Acts, Senate File 2338, section
3 3.
4 c. The section amending section 452A.3, subsection
5 4A, as enacted by 2014 Acts, Senate File 2338, section
6 4.
7 d. The section relating to the applicability of the
8 inventory tax.>
9 2. By renumbering as necessary.

BYRNES of Mitchell



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House File 2473

H-8323

1 Amend the amendment, H-8315, to House File 2473 as
2 follows:
3 1. Page 3, after line 24 by inserting:
4 <Sec. _____. PASSENGER RAIL SERVICE. There is
5 appropriated from the general fund of the state to
6 the department of transportation for the fiscal year
7 beginning July 1, 2015, and ending June 30, 2016, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purposes designated:
10 For deposit in the passenger rail service revolving
11 fund created in section 327J.2 for matching federal
12 funding available through the federal Passenger Rail
13 Investment and Improvement Act of 2008 for passenger
14 rail service:
15 \$ 1,000,000
16 It is the intent of the general assembly to
17 appropriate up to \$20,000,000 over a four-year period
18 to fully fund the state commitment for matching federal
19 funding available through the federal Passenger Rail
20 Investment and Improvement Act of 2008.>
21 2. By renumbering as necessary.

WINCKLER of Scott

ABDUL-SAMAD of Polk

ANDERSON of Polk

BEARINGER of Fayette

COHOON of Des Moines

FORBES of Polk

GASKILL of Wapello

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HEDDENS of Story

HUNTER of Polk

ISENHART of Dubuque

JACOBY of Johnson

KAJTAZOVIC of Black Hawk

KEARNS of Lee

KELLEY of Jasper

KRESSIG of Black Hawk

LENSING of Johnson

LYKAM of Scott

MASCHER of Johnson

H. MILLER of Webster

MURPHY of Dubuque

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OLDSON of Polk

T. OLSON of Linn

OURTH of Warren

PRICHARD of Floyd

RUFF of Clayton

M. SMITH of Marshall

STECKMAN of Cerro Gordo

STUTSMAN of Johnson

T. TAYLOR of Linn

THEDE of Scott

THOMAS of Clayton

WESSEL-KROESCHELL of Story

WOOD of Scott



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House File 2473

H-8324

1 Amend the amendment, H-8315, to House File 2473 as
2 follows:
3 1. Page 22, after line 21 by inserting:
4 <DIVISION
5 LOCAL FOOD AND FARM INNOVATION FUND
6 Sec. _____. Section 267A.2, subsection 4, Code 2014,
7 is amended to read as follows:
8 4. "*Fund*" means the local food and farm ~~program~~
9 innovation fund created in section 267A.5.
10 Sec. _____. Section 267A.5, Code 2014, is amended to
11 read as follows:
12 **267A.5 Local food and farm ~~program~~ innovation fund.**
13 A local food and farm ~~program~~ innovation fund
14 is created in the state treasury under the control
15 of the department. The fund is separate from the
16 general fund of the state. The fund is composed of
17 moneys appropriated by the general assembly and moneys
18 available to and obtained or accepted by the local food
19 and farm program from the United States government or
20 private sources for placement in the fund. Moneys
21 in the fund shall be used to carry out the purpose
22 and goals of this chapter as provided in section
23 267A.1, including but not limited to administering the
24 local food and farm program as provided in section
25 267A.6. The fund shall be managed by the department in
26 consultation with the local food and farm coordinator,
27 under the supervision of the local food and farm
28 program council.
29 Sec. _____. LOCAL FOOD AND FARM INNOVATION FUND
30 — APPROPRIATION TO SUPPORT FOOD HUBS OR FARMING
31 INNOVATION ZONES PROJECTS.
32 1. There is appropriated from the general fund of
33 the state to the local food and farm innovation fund
34 created in section 267A.5, as amended by this Act, for
35 the fiscal year beginning July 1, 2014, and ending June
36 30, 2015, the following amount, or so much thereof as
37 is necessary, to be used for the purposes designated:
38 For purposes of supporting food hubs or farming
39 innovation zones projects as provided in this section:
40 \$ 1,000,000
41 2. Moneys appropriated in subsection 1 shall be
42 allocated by the local food and farm program council
43 established pursuant to section 267A.3 to support
44 projects for the development or expansion of food hubs
45 or farming innovation zones in this state.
46 a. A food hub must be a centrally located facility
47 with a business management structure facilitating the
48 aggregation, storage, processing, distribution, or
49 marketing of locally or regionally produced food or
50 food products.

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- 1 b. A farming innovation zone must be a publicly
2 recognized location for research, development,
3 demonstration, and education that does all of the
4 following:
5 (1) Prepares beginning farmers for the production
6 of diversified food products in Iowa for processing,
7 wholesaling, and retailing on a local or regional
8 basis.
9 (2) Fosters the diversification of farm operations
10 in which existing producers are engaged.
11 (3) Supports the creation and expansion of
12 production and market infrastructure for a local foods
13 economy, including but not limited to food hubs.
14 3. Notwithstanding section 8.33, moneys that remain
15 unencumbered or unobligated at the end of the fiscal
16 year shall not revert but shall remain available to
17 support the purposes of this section for the succeeding
18 fiscal year.>
19 2. By renumbering as necessary.

ISENHART of Dubuque

MASCHER of Johnson

H. MILLER of Webster

MURPHY of Dubuque

PRICHARD of Floyd

RUFF of Clayton

M. SMITH of Marshall



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STAED of Linn

STUTSMAN of Johnson

T. TAYLOR of Linn

ANDERSON of Polk

BEARINGER of Fayette

GASKILL of Wapello

HANSON of Jefferson

HEDDENS of Story

HUNTER of Polk

LENSING of Johnson

WINCKLER of Scott



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House File 2473

H-8325

1 Amend the amendment, H-8315, to House File 2473 as
2 follows:
3 1. Page 3, after line 24 by inserting:
4 <Sec. _____. FOREIGN LANGUAGE EDUCATION PILOT
5 PROGRAM. There is appropriated from the general fund
6 of the state to the department of education for the
7 fiscal year beginning July 1, 2014, and ending June 30,
8 2015, the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:
10 For foreign language education pilot program grants:
11 \$ 400,000
12 1. The department shall develop and administer a
13 foreign language education pilot program to provide
14 grants to two schools that have developed an exclusive
15 partnership with an institution under the control of
16 the state board of regents to improve academic outcomes
17 by engaging students in a pathway to college. To
18 further this effort, grant recipients shall implement
19 a plan to provide education in at least one foreign
20 language to students in kindergarten through grade five
21 during the school year beginning July 1, 2015. The
22 department shall develop an application and evaluation
23 process for approval of the pilot program grant
24 applications.
25 2. Notwithstanding section 8.33, moneys
26 appropriated in this section that remain unencumbered
27 or unobligated at the close of the fiscal year shall
28 not revert but shall remain available for expenditure
29 for the purposes designated until the close of the
30 succeeding fiscal year.>
31 2. By renumbering as necessary.

ABDUL-SAMAD of Polk

ANDERSON of Polk

BEARINGER of Fayette

GASKILL of Wapello

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HANSON of Jefferson

HUNTER of Polk

ISENHART of Dubuque

KEARNS of Lee

LENSING of Johnson

MASCHER of Johnson

H. MILLER of Webster

MURPHY of Dubuque

OURTH of Warren

PRICHARD of Floyd

RUFF of Clayton

M. SMITH of Marshall

STAED of Linn



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T. TAYLOR of Linn

THEDE of Scott

WINCKLER of Scott



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House File 2473

H-8326

1 Amend the amendment, H-8315, to House File 2473 as
2 follows:
3 1. Page 3, after line 24 by inserting:
4 <Sec. _____. FOOD BANK. There is appropriated from
5 the general fund of the state to the department of
6 human services for the fiscal year beginning July 1,
7 2014, and ending June 30, 2015, the following amounts,
8 or so much thereof as is necessary, to be used for the
9 purposes designated:
10 For allocation to an Iowa food bank association
11 selected by the department of human services for the
12 purchase of food on behalf of an Iowa emergency feeding
13 organization or for the distribution of moneys to the
14 Iowa emergency feeding organizations for the purchase
15 of food:
16 \$ 1,000,000
17 The moneys appropriated in this section shall
18 be allocated only to the extent that the allocated
19 moneys are matched on a dollar-for-dollar basis.
20 Notwithstanding section 8.33, moneys appropriated in
21 this section that remain unencumbered or unobligated
22 at the close of the fiscal year shall not revert but
23 shall remain available for expenditure for the purposes
24 designated until the close of the fiscal year beginning
25 July 1, 2015.>
26 2. By renumbering as necessary.

STAED of Linn

ABDUL-SAMAD of Polk

ANDERSON of Polk

BEARINGER of Fayette

COHOON of Des Moines

FORBES of Polk

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GASKILL of Wapello

HALL of Woodbury

HANSON of Jefferson

HEDDENS of Story

HUNTER of Polk

ISENHART of Dubuque

JACOBY of Johnson

KAJTAZOVIC of Black Hawk

KEARNS of Lee

KELLEY of Jasper

KRESSIG of Black Hawk

LENSING of Johnson

LUNDBY of Linn

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LYKAM of Scott

MASCHER of Johnson

MEYER of Polk

H. MILLER of Webster

MUHLBAUER of Crawford

MURPHY of Dubuque

OLDSON of Polk

R. OLSON of Polk

T. OLSON of Linn

OURTH of Warren

PRICHARD of Floyd

RIDING of Polk

RUFF of Clayton



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RUNNING-MARQUARDT of Linn

M. SMITH of Marshall

STECKMAN of Cerro Gordo

STUTSMAN of Johnson

T. TAYLOR of Linn

THEDE of Scott

THOMAS of Clayton

WESSEL-KROESCHELL of Story

WINCKLER of Scott

WOLFE of Clinton

WOOD of Scott



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Senate Amendment to
House File 2109

H-8327

1 Amend House File 2109, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 19 through 25 and
4 inserting:
5 <NEW SUBSECTION. 26A. "Vapor product" means any
6 noncombustible product, which may or may not contain
7 nicotine, that employs a heating element, power source,
8 electronic circuit, or other electronic, chemical, or
9 mechanical means, regardless of shape or size, that
10 can be used to produce vapor from a solution or other
11 substance. "Vapor product" includes an electronic
12 cigarette, electronic cigar, electronic cigarillo,
13 electronic pipe, or similar product or device, and any
14 cartridge or other container of a solution or other
15 substance, which may or may not contain nicotine,
16 that is intended to be used with or in an electronic
17 cigarette, electronic cigar, electronic cigarillo,
18 electronic pipe, or similar product or device. "Vapor
19 product">

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House File 2473

H-8328

1 Amend the amendment, H-8315, to House File 2473 as
2 follows:
3 1. By striking page 1, line 1, through page 22,
4 line 28, and inserting:
5 <Amend House File 2473 as follows:
6 _____. By striking everything after the enacting
7 clause and inserting:
8 <DIVISION I
9 STANDING APPROPRIATIONS AND RELATED MATTERS
10 Section 1. 2013 Iowa Acts, chapter 140, is amended
11 by adding the following new section:
12 NEW SECTION. SEC. 1A. BUDGET PROCESS FOR FISCAL
13 YEAR 2015-2016.
14 1. For the budget process applicable to the fiscal
15 year beginning July 1, 2015, on or before October 1,
16 2014, in lieu of the information specified in section
17 8.23, subsection 1, unnumbered paragraph 1, and
18 paragraph "a", all departments and establishments of
19 the government shall transmit to the director of the
20 department of management, on blanks to be furnished
21 by the director, estimates of their expenditure
22 requirements, including every proposed expenditure, for
23 the ensuing fiscal year, together with supporting data
24 and explanations as called for by the director of the
25 department of management after consultation with the
26 legislative services agency.
27 2. The estimates of expenditure requirements
28 shall be in a form specified by the director of
29 the department of management, and the expenditure
30 requirements shall include all proposed expenditures
31 and shall be prioritized by program or the results to
32 be achieved. The estimates shall be accompanied by
33 performance measures for evaluating the effectiveness
34 of the programs or results.
35 Sec. 2. 2013 Iowa Acts, chapter 140, is amended by
36 adding the following new section:
37 NEW SECTION. SEC. 3A. GENERAL ASSEMBLY.
38 1. The appropriations made pursuant to section
39 2.12 for the expenses of the general assembly and
40 legislative agencies for the fiscal year beginning July
41 1, 2014, and ending June 30, 2015, are reduced by the
42 following amount:
43 \$ 3,000,000
44 2. The budgeted amounts for the general assembly
45 for the fiscal year beginning July 1, 2014, may be
46 adjusted to reflect unexpended budgeted amounts from
47 the previous fiscal year.
48 Sec. 3. 2013 Iowa Acts, chapter 140, section 6, is
49 amended to read as follows:
50 SEC. 6. LIMITATIONS OF STANDING APPROPRIATIONS

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1 — FY 2014-2015. Notwithstanding the standing
2 appropriations in the following designated sections for
3 the fiscal year beginning July 1, 2014, and ending June
4 30, 2015, the amounts appropriated from the general
5 fund of the state pursuant to these sections for the
6 following designated purposes shall not exceed the
7 following amounts:
8 1. For operational support grants and community
9 cultural grants under section 99F.11, subsection 3,
10 paragraph "d", subparagraph (1):
11 \$ 208,351
12 416,702
13 2. ~~For regional tourism marketing under section~~
14 ~~99F.11, subsection 3, paragraph "d", subparagraph (2):~~
15 ~~\$ 582,000~~
16 3. For payment for nonpublic school transportation
17 under section 285.2:
18 \$ 8,560,931
19 If total approved claims for reimbursement for
20 nonpublic school pupil transportation exceed the amount
21 appropriated in accordance with this subsection, the
22 department of education shall prorate the amount of
23 each approved claim.
24 4. For the enforcement of chapter 453D relating to
25 tobacco product manufacturers under section 453D.8:
26 \$ 9,208
27 18,416
28 Sec. 4. Section 257.35, Code 2014, is amended by
29 adding the following new subsection:
30 NEW SUBSECTION. 8A. Notwithstanding subsection 1,
31 and in addition to the reduction applicable pursuant
32 to subsection 2, the state aid for area education
33 agencies and the portion of the combined district cost
34 calculated for these agencies for the fiscal year
35 beginning July 1, 2014, and ending June 30, 2015, shall
36 be reduced by the department of management by thirteen
37 million dollars. The reduction for each area education
38 agency shall be prorated based on the reduction that
39 the agency received in the fiscal year beginning July
40 1, 2003.
41 DIVISION II
42 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS
43 Sec. 5. UNIVERSITY OF NORTHERN IOWA. There is
44 appropriated from the general fund of the state to the
45 state board of regents for the fiscal year beginning
46 July 1, 2014, and ending June 30, 2015, the following
47 amount, or so much thereof as is necessary, to be used
48 for the purposes designated:
49 For the university of northern Iowa for salaries,
50 support, maintenance, equipment, financial aid, and

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1 miscellaneous purposes and to supplement appropriations
2 made for the same purposes in 2014 Iowa Acts, Senate
3 File 2347, if enacted:

4 \$ 1,775,000

5 Sec. 6. AIR QUALITY PROGRAM APPROPRIATION.

6 There is appropriated from the general fund of the
7 state to the department of natural resources for the
8 fiscal year beginning July 1, 2013, and ending June 30,
9 2014, the following amount, or so much thereof as is
10 necessary, to be used for the purposes designated:

11 For purposes of supporting the air quality program,
12 including salaries, support, maintenance, and
13 miscellaneous purposes:

14 \$ 2,000,000

15 1. Notwithstanding section 8.33, moneys
16 appropriated in this section that remain unencumbered
17 or unobligated at the close of the fiscal year shall
18 not revert but shall remain available for expenditure
19 for the purposes designated until the close of the
20 fiscal year beginning July 1, 2015.

21 2. The moneys appropriated in this section shall
22 not be transferred, expended, obligated, or otherwise
23 encumbered by the department until the department
24 submits, by October 15, 2014, a report approved by the
25 air quality program task force, if enacted by 2014 Iowa
26 Acts, House File 2458.

27 Sec. 7. VETERANS.

28 1. There is appropriated from the general fund of
29 the state to the department of workforce development
30 for the fiscal year beginning July 1, 2014, and
31 ending June 30, 2015, the following amount, or so much
32 thereof as is necessary, to be used for the purposes
33 designated:

34 For funding research linking military occupational
35 education, training, and service to existing licensing
36 requirements in this state, for funding implementation
37 of this Act, and for meeting additional demand for
38 workforce development services provided to veterans:

39 \$ 1,000,000

40 2. There is appropriated from the general fund of
41 the state to the department of workforce development
42 for the fiscal year beginning July 1, 2014, and
43 ending June 30, 2015, the following amount, or so much
44 thereof as is necessary, to be used for the purposes
45 designated:

46 For awarding a grant, in the amount appropriated,
47 to a nonprofit workforce services foundation exempt
48 from federal taxation under section 501(c)(3) of the
49 Internal Revenue Code that is administered by an agency
50 of this state for the purposes of paying for the direct

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1 expenses of marketing this state to veterans through
2 public-private partnerships:
3 \$ 1,000,000
4 Sec. 8. BUILDING CODE COMMISSIONER. There is
5 appropriated from the general fund of the state to
6 the department of public safety for the fiscal year
7 beginning July 1, 2014, and ending June 30, 2015, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purposes designated:
10 For purposes of installation inspection duties under
11 chapter 103A, division IV:
12 \$ 100,000
13 Sec. 9. FOOD SECURITY FOR OLDER INDIVIDUALS. There
14 is appropriated from the general fund of the state to
15 the department on aging for the fiscal year beginning
16 July 1, 2014, and ending June 30, 2015, the following
17 amount, or so much thereof as is necessary, to be used
18 for the purposes designated:
19 To award to each area agency on aging designated
20 under section 231.32 in the proportion that the
21 estimated amount of older individuals in Iowa served by
22 that area agency on aging bears to the total estimated
23 amount of older individuals in Iowa, to be used to
24 provide congregate meals and home-delivered meals to
25 food-insecure older individuals in Iowa:
26 \$ 250,000
27 Sec. 10. Section 8.9, subsection 2, paragraph a,
28 Code 2014, is amended to read as follows:
29 a. All grant applications submitted and grant
30 moneys received by a department on behalf of the state
31 shall be reported to the office of grants enterprise
32 management. The office shall by ~~January 31~~ December
33 1 of each year submit to the fiscal services division
34 of the legislative services agency a written report
35 listing all grants received during the ~~previous~~
36 ~~calendar~~ most recently completed federal fiscal year
37 with a value over one thousand dollars and the funding
38 entity and purpose for each grant. However, the
39 reports on grants filed by the state board of regents
40 pursuant to section 8.44 shall be deemed sufficient to
41 comply with the requirements of this subsection. In
42 addition, each department shall submit and the office
43 shall report, as applicable, for each grant applied
44 for or received and other federal moneys received
45 the expected duration of the grant or the other
46 moneys, maintenance of effort or other matching fund
47 requirements throughout and following the period of the
48 grant or the other moneys, the sources of the federal
49 funding and any match funding, any policy, program, or
50 operational requirement associated with receipt of the

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1 funding, a status report on changes anticipated in the
2 federal requirements associated with the grant or other
3 federal funding during the fiscal year in progress and
4 the succeeding fiscal year, and any other information
5 concerning the grant or other federal funding that
6 would be helpful in the development of policy or
7 budget decisions. The fiscal services division of
8 the legislative services agency shall compile the
9 information received for consideration by the standing
10 joint appropriations subcommittees of the general
11 assembly.

12 Sec. 11. Section 68B.3, Code 2014, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 2A. This section does not apply to
15 sales of services by a member of a board or commission
16 as defined under section 7E.4 to state executive branch
17 agencies or subunits of departments or independent
18 agencies as defined in section 7E.4 that are not the
19 subunit of the department or independent agency in
20 which the person serves or are not a subunit of a
21 department or independent agency with which the person
22 has substantial and regular contact as part of the
23 person's duties.

24 Sec. 12. NEW SECTION. 411.19 State appropriation.

25 1. For fiscal years beginning, on or after July
26 1, 2015, here is appropriated from the general fund
27 of the state for each fiscal year an amount equal
28 to three and seventy-nine hundredths percent of the
29 covered earnable compensation to be distributed to the
30 statewide fire and police retirement system, or to the
31 cities participating in the system, to finance the cost
32 of benefits provided in this chapter by amendments of
33 the Acts of the Sixty-sixth General Assembly, chapter
34 1089. The method of distribution shall be determined
35 by the board of trustees based on information provided
36 by the actuary of the statewide retirement system.

37 2. Moneys appropriated by the state shall not be
38 used to reduce the normal rate of contribution of any
39 city below seventeen percent.

40 Sec. 13. EFFECTIVE UPON ENACTMENT. The following
41 provision or provisions of this division of this Act,
42 being deemed of immediate importance, take effect upon
43 enactment:

44 1. The section appropriating moneys to the
45 department of natural resources for purposes of
46 supporting the air quality program.

47 DIVISION III

48 CORRECTIVE PROVISIONS

49 Sec. 14. Section 123.47, subsection 1A, paragraph
50 c, subparagraph (2), as enacted by 2014 Iowa Acts,

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1 Senate File 2310, section 1, is amended to read as
2 follows:

3 (2) A person under legal age who consumes or
4 possesses any alcoholic liquor, wine, or beer in
5 connection with a religious observance, ceremony, or
6 ~~right~~ rite.

7 Sec. 15. Section 331.552, subsection 35, as amended
8 by 2014 Iowa Acts, House File 2273, section 5, if
9 enacted, is amended to read as follows:

10 35. a. Destroy special assessment records required
11 by section 445.11 within the county system after ten
12 years have elapsed from the end of the fiscal year in
13 which the special assessment was paid in full. The
14 county treasurer shall also destroy the resolution of
15 necessity, plat, and schedule of assessments required
16 by section 384.51 after ten years have elapsed from the
17 end of the fiscal year in which the entire schedule was
18 paid in full. This ~~subsection~~ paragraph applies to
19 documents described in this ~~subsection~~ paragraph that
20 are in existence before, on, or after July 1, 2003.

21 b. Destroy assessment records required by chapter
22 468 within the county system after ten years have
23 elapsed from the end of the fiscal year in which the
24 assessment was paid in full. The county treasurer
25 shall also destroy the accompanying documents including
26 any resolutions, plats, or schedule of assessments
27 after ten years have elapsed from the end of the
28 fiscal year in which the entire schedule was paid in
29 full. This ~~subsection~~ paragraph applies to documents
30 described in this ~~subsection~~ paragraph that are in
31 existence before, on, or after July 1, 2014.

32 Sec. 16. Section 422.33, subsection 4, paragraph c,
33 Code 2014, as amended by 2014 Iowa Acts, Senate File
34 2240, section 87, and redesignated as paragraph b,
35 subparagraph (3), is amended to read as follows:

36 (3) Subtract an exemption amount of forty thousand
37 dollars. This exemption amount shall be reduced, but
38 not below zero, by an amount equal to twenty-five
39 percent of the amount by which the alternative minimum
40 taxable income of the taxpayer, computed without regard
41 to the exemption amount in this ~~paragraph~~ subparagraph,
42 exceeds one hundred fifty thousand dollars.

43 Sec. 17. Section 508.36, subsection 13, paragraph
44 d, subparagraph (1), subparagraph division (c), as
45 enacted by 2014 Iowa Acts, Senate File 2131, section 9,
46 is amended to read as follows:

47 (c) Minimum reserves for all other policies ~~of or~~
48 contracts subject to subsection 1, paragraph "b".

49 Sec. 18. Section 508.36, subsection 16, paragraph
50 c, subparagraph (3), as enacted by 2014 Iowa Acts,

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1 Senate File 2131, section 9, is amended to read as
2 follows:

3 (3) Once any portion of a memorandum in support
4 of an opinion submitted under subsection 2 or a
5 principle-based valuation report developed under
6 subsection 14, paragraph "b", subparagraph (3), is
7 cited by a company in its marketing or is publicly
8 volunteered to or before a governmental agency other
9 than a state insurance department or is released by
10 the company to the news media, all portions ~~of~~ of such
11 memorandum or report shall no longer be confidential
12 information.

13 Sec. 19. Section 508.37, subsection 6, paragraph h,
14 subparagraph (8), as enacted by 2014 Iowa Acts, Senate
15 File 2131, section 13, is amended to read as follows:

16 (8) For policies issued on or after the operative
17 date of the valuation manual, the valuation manual
18 shall provide the Commissioners Standard Mortality
19 Table for use in determining the minimum nonforfeiture
20 standard that may be substituted for the Commissioners
21 1961 Standard Industrial Mortality Table or the
22 Commissioners 1961 Industrial Extended Term Insurance
23 Table. If the commissioner approves by ~~regulation~~
24 rule any Commissioners Standard Industrial Mortality
25 Table adopted by the national association of insurance
26 commissioners for use in determining the minimum
27 nonforfeiture standard for policies issued on or after
28 the operative date of the valuation manual, then that
29 minimum nonforfeiture standard supersedes the minimum
30 nonforfeiture standard provided by the valuation
31 manual.

32 Sec. 20. Section 537.1301, subsection 46, as
33 enacted by 2014 Iowa Acts, House File 2324, section 17,
34 is amended to read as follows:

35 46. "*Threshold amount*" means the threshold amount,
36 as determined by 12 C.F.R. ~~§226.3(b)~~ §1026.3(b),
37 in effect during the period the consumer credit
38 transaction was entered into.

39 Sec. 21. 2014 Iowa Acts, Senate File 2257, section
40 15, is amended by striking the section and inserting in
41 lieu thereof the following:

42 SEC. 15. REPEAL. Sections 261.17A, 261.22, 261.39,
43 261.41, 261.44, 261.48, 261.54, 261.81A, and 261.82,
44 Code 2014, are repealed.

45 Sec. 22. REPEAL. 2014 Iowa Acts, House File 2423,
46 section 159, is repealed.

47 DIVISION IV

48 GENERAL ASSEMBLY PUBLICATIONS PROVISIONS

49 Sec. 23. Section 2.42, subsection 13, Code 2014, is
50 amended to read as follows:

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1 13. To establish policies with regard to publishing
2 printed and electronic versions of legal publications
3 as provided in chapters 2A and 2B, including the Iowa
4 Acts, Iowa Code, ~~Code Supplement~~, Iowa administrative
5 bulletin, Iowa administrative code, and Iowa court
6 rules, or any part of those publications. The
7 publishing policies may include, but are not limited
8 to: the style and format to be used; the frequency
9 of publication; the contents of the publications;
10 the numbering systems to be used; the preparation of
11 editorial comments or notations; the correction of
12 errors; the type of print or electronic media and
13 data processing software to be used; the number of
14 volumes to be published; recommended revisions; the
15 letting of contracts for publication; the pricing of
16 the publications to which section 22.3 does not apply;
17 access to, and the use, reproduction, legal protection,
18 sale or distribution, and pricing of related data
19 processing software consistent with chapter 22; and any
20 other matters deemed necessary to the publication of
21 uniform and understandable publications.

22 Sec. 24. Section 2A.1, subsection 2, paragraph d,
23 unnumbered paragraph 1, Code 2014, is amended to read
24 as follows:

25 Publication of the official legal publications
26 of the state, including but not limited to the Iowa
27 Acts, Iowa Code, ~~Code Supplement~~, Iowa administrative
28 bulletin, Iowa administrative code, and Iowa court
29 rules as provided in chapter 2B. The legislative
30 services agency shall do all of the following:

31 Sec. 25. Section 2A.5, subsection 2, paragraph b,
32 Code 2014, is amended by striking the paragraph.

33 Sec. 26. Section 2A.5, Code 2014, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 2A. The legislative services
36 agency shall publish annually an electronic or printed
37 version of the roster of state officials. The roster
38 of state officials shall include a correct list of
39 state officers and deputies; members of boards and
40 commissions; justices of the supreme court, judges
41 of the court of appeals, and judges of the district
42 courts including district associate judges and judicial
43 magistrates; and members of the general assembly.
44 The office of the governor shall cooperate in the
45 preparation of the list.

46 Sec. 27. Section 2B.5, subsection 3, Code 2014, is
47 amended by striking the subsection.

48 Sec. 28. Section 2B.5A, subsection 2, Code 2014, is
49 amended to read as follows:

50 2. In consultation with the administrative rules

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1 coordinator, the administrative code editor shall
2 prescribe a uniform style and form required for a
3 person filing a document for publication in the Iowa
4 administrative bulletin or the Iowa administrative
5 code, including but not limited to a rulemaking
6 document. A rulemaking document includes a notice
7 of intended action as provided in section 17A.4 or
8 an adopted rule for filing as provided in section
9 17A.5. The rulemaking document shall correlate each
10 rule to the uniform numbering system established by
11 the administrative code editor. The administrative
12 code editor shall provide for the publication of
13 an electronic publication version of the Iowa
14 administrative bulletin and the Iowa administrative
15 code. The administrative code editor shall review
16 all submitted documents for style and form and notify
17 the administrative rules coordinator if a rulemaking
18 document is not in proper style or form, and may return
19 or revise a document which is not in proper style and
20 form. The style and form prescribed shall require
21 that a rulemaking document include a reference to the
22 statute which the rules are intended to implement.
23 Sec. 29. Section 2B.5A, subsection 6, paragraph a,
24 subparagraph (2), subparagraph division (b), Code 2014,
25 is amended to read as follows:
26 (b) A print ~~edition~~ version may include an index.
27 Sec. 30. Section 2B.5B, subsection 2, Code 2014, is
28 amended to read as follows:
29 2. The administrative code editor, upon direction
30 by the Iowa supreme court and in accordance with the
31 policies of the legislative council pursuant to section
32 2.42 and the legislative services agency pursuant
33 to section 2A.1, shall prescribe a uniform style and
34 form required for filing a document for publication in
35 the Iowa court rules. The document shall correlate
36 each rule to the uniform numbering system. The
37 administrative code editor shall provide for the
38 publication of an electronic publication version of
39 the Iowa court rules. The administrative code editor
40 shall review all submitted documents for style and
41 form and notify the Iowa supreme court if a rulemaking
42 document is not in proper style or form, and may return
43 or revise a document which is not in proper style and
44 form.
45 Sec. 31. Section 2B.5B, subsection 3, paragraph b,
46 subparagraph (2), subparagraph division (b), Code 2014,
47 is amended to read as follows:
48 (b) A print version ~~shall~~ may include an index.
49 Sec. 32. Section 2B.6, subsection 2, paragraph b,
50 Code 2014, is amended to read as follows:

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1 ~~b. The Iowa Code or Code Supplement, as provided in~~
2 ~~section 2B.12.~~
3 Sec. 33. Section 2B.12, Code 2014, is amended to
4 read as follows:
5 **2B.12 Iowa Code and Code Supplement.**
6 1. The legislative services agency shall control
7 and maintain in a secure electronic repository
8 custodial information used to publish the Iowa Code.
9 2. The legislative services agency shall publish
10 an annual edition of the Iowa Code as soon as
11 possible after the final adjournment of a regular
12 or special session of a general assembly. ~~However,~~
13 ~~the legislative services agency may publish a new~~
14 ~~Code Supplement in lieu of the Iowa Code as soon as~~
15 ~~possible after the final adjournment of a regular~~
16 ~~session of a general assembly. The legislative~~
17 ~~services agency may publish a new edition of the Iowa~~
18 ~~Code or Code Supplement as soon as possible after the~~
19 ~~final adjournment of a special session of the general~~
20 ~~assembly.~~
21 3. An edition of the Iowa Code ~~or Code Supplement~~
22 shall contain each Code section in its new or amended
23 form. However, a new section or amendment which does
24 not take effect until after the probable publication
25 date of a succeeding Iowa Code ~~or Code Supplement~~
26 may be deferred for publication in that succeeding
27 Iowa Code ~~or Code Supplement~~. The sections shall
28 be inserted in each edition in a logical order as
29 determined by the Iowa Code editor in accordance with
30 the policies of the legislative council.
31 4. Each section of an Iowa Code ~~or Code Supplement~~
32 shall be indicated by a number printed in boldface
33 type and shall have an appropriate headnote printed in
34 boldface type.
35 5. The Iowa Code shall include all of the
36 following:
37 ~~a. The Declaration of Independence.~~
38 ~~b. The Articles of Confederation.~~
39 ~~c. The Constitution of the United States.~~
40 ~~d. The laws of the United States relating to the~~
41 ~~authentication of records.~~
42 ~~e. The Constitution of the State of Iowa, original~~
43 ~~and codified versions.~~
44 ~~f. The Act admitting Iowa into the union as a~~
45 ~~state.~~
46 ~~g. The arrangement of the Code into distinct units,~~
47 ~~as established by the legislative services agency,~~
48 ~~which may include titles, subunits of titles, chapters,~~
49 ~~subunits of chapters, and sections, and subunits of~~
50 ~~sections. The distinct units shall be numbered and may~~

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1 include names.
2 *h.* All of the statutes of Iowa of a general and
3 permanent nature, except as provided in subsection 3.
4 *i.* A comprehensive method to search and identify
5 its contents, including the text of the Constitution
6 and statutes of the State of Iowa.
7 (1) An electronic version may include search and
8 retrieval programming, analysis of titles and chapters,
9 and an index and a summary index.
10 (2) A print version shall include an analysis of
11 titles and chapters, and may include an index and a
12 summary index.
13 6. The Iowa Code may include all of the following:
14 *a.* A preface.
15 *b.* A description of citations to statutes.
16 *c.* Abbreviations to other publications which may be
17 referred to in the Iowa Code.
18 *d.* Appropriate historical references or source
19 notes.
20 *e.* An analysis of the Code by titles and chapters.
21 *f.* Other reference materials as determined by the
22 Iowa Code editor in accordance with any policies of the
23 legislative council.
24 ~~7. A Code Supplement shall include all of the~~
25 ~~following:~~
26 ~~*a.* The text of statutes of Iowa of a general~~
27 ~~and permanent nature that were enacted during the~~
28 ~~preceding regular or special session, except as~~
29 ~~provided in subsection 3; an indication of all sections~~
30 ~~repealed during that session; and any amendments to~~
31 ~~the Constitution of the State of Iowa approved by the~~
32 ~~voters since the adjournment of the previous regular~~
33 ~~session of the general assembly.~~
34 ~~*b.* A chapter title and number for each chapter or~~
35 ~~part of a chapter included.~~
36 ~~*c.* A comprehensive method to search and identify~~
37 ~~its contents, including the text of statutes and the~~
38 ~~Constitution of the State of Iowa.~~
39 ~~(1) An electronic version may include search and~~
40 ~~retrieval programming and an index and a summary index.~~
41 ~~(2) A print version may include an index and a~~
42 ~~summary index.~~
43 ~~8. 7. The Iowa Code or Code Supplement may include~~
44 ~~appropriate tables showing the disposition of Acts of~~
45 ~~the general assembly, the corresponding sections from~~
46 ~~edition to edition of an Iowa Code or Code Supplement,~~
47 ~~and other reference material as determined by the~~
48 ~~Iowa Code editor in accordance with policies of the~~
49 ~~legislative council.~~
50 8. In lieu of or in addition to publishing an

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1 annual edition of the Iowa Code, the legislative
2 services agency, in accordance with the policies of
3 the legislative council, may publish a supplement to
4 the Iowa Code, as necessary or desirable, in a manner
5 similar to the publication of an annual edition of the
6 Iowa Code.

7 Sec. 34. Section 2B.13, subsection 1, unnumbered
8 paragraph 1, Code 2014, is amended to read as follows:

9 The Iowa Code editor in preparing the copy for an
10 edition of the Iowa Code ~~or Code Supplement~~ shall not
11 alter the sense, meaning, or effect of any Act of the
12 general assembly, but may:

13 Sec. 35. Section 2B.13, subsection 1, paragraph f,
14 Code 2014, is amended to read as follows:

15 f. Transfer, divide, or combine sections or parts
16 of sections and add or ~~amend~~ revise headnotes to
17 sections and ~~subsections~~ section subunits. Pursuant to
18 section 3.3, the headnotes are not part of the law.

19 Sec. 36. Section 2B.13, subsection 3, paragraph a,
20 Code 2014, is amended to read as follows:

21 a. The Iowa Code editor may, in preparing the copy
22 for an edition of the Iowa Code ~~or Code Supplement~~,
23 establish standards for and change capitalization,
24 spelling, and punctuation in any provision for purposes
25 of uniformity and consistency in language.

26 Sec. 37. Section 2B.13, subsection 4, paragraph a,
27 Code 2014, is amended to read as follows:

28 a. The Iowa Code editor shall seek direction
29 from the senate committee on judiciary and the house
30 committee on judiciary when making Iowa Code ~~or Code~~
31 ~~Supplement~~ changes.

32 Sec. 38. Section 2B.13, subsection 5, Code 2014, is
33 amended to read as follows:

34 5. The Iowa Code editor may prepare and publish
35 comments deemed necessary for a proper explanation
36 of the manner of ~~printing~~ publishing a section or
37 chapter of the Iowa Code ~~or Code Supplement~~. The Iowa
38 Code editor shall maintain a record of all of the
39 corrections made under subsection 1. The Iowa Code
40 editor shall also maintain a separate record of the
41 changes made under subsection 1, paragraphs "b" through
42 "h". The records shall be available to the public.

43 Sec. 39. Section 2B.13, subsection 7, paragraph a,
44 Code 2014, is amended to read as follows:

45 a. The effective date of an edition of the Iowa
46 Code ~~or of a supplement to the Iowa Code Supplement~~
47 or an edition of the Iowa administrative code is its
48 publication date. A publication date is the date the
49 publication is conclusively presumed to be complete,
50 incorporating all revisions or editorial changes.

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1 Sec. 40. Section 2B.13, subsection 7, paragraph
2 b, subparagraph (1), Code 2014, is amended to read as
3 follows:

4 (1) For the Iowa Code or a supplement to the
5 Iowa Code Supplement, the publication date is the
6 first day of the next regular session of the general
7 assembly convened pursuant to Article III, section 2,
8 of the Constitution of the State of Iowa. However,
9 the legislative services agency may establish an
10 alternative publication date, which may be the date
11 that the publication is first available to the public
12 accessing the general assembly's internet site. The
13 legislative services agency shall provide notice of
14 such an alternative publication date on the general
15 assembly's internet site.

16 Sec. 41. Section 2B.17, subsection 2, paragraph b,
17 Code 2014, is amended to read as follows:

18 b. For statutes, the official versions of
19 publications shall be known as the Iowa Acts, the Iowa
20 Code, and the Code Supplement for supplements for the
21 years 1979 through 2011.

22 Sec. 42. Section 2B.17, subsection 4, paragraph c,
23 Code 2014, is amended to read as follows:

24 c. The Iowa Code shall be cited as the Iowa
25 Code. The Code Supplement Supplements to the Iowa
26 Code published for the years 1979 through 2011 shall
27 be cited as the Code Supplement. Subject to the
28 legislative services agency style manual, the Iowa Code
29 may be cited as the Code of Iowa or Code and the Code
30 Supplement may be cited as the Iowa Code Supplement,
31 with references identifying parts of the publication,
32 including but not limited to title or chapter, section,
33 or subunit of a section. If the citation refers to a
34 past edition of the Iowa Code or Code Supplement, the
35 citation shall identify the year of publication. The
36 legislative services agency style manual shall provide
37 for a citation form for any supplements to the Iowa
38 Code published after the year 2013.

39 Sec. 43. Section 2B.18, subsection 1, Code 2014, is
40 amended to read as follows:

41 1. The Iowa Code editor is the custodian of the
42 official legal publications known as the Iowa Acts,
43 Iowa Code, and Code Supplement for supplements to the
44 Iowa Code for the years 1979 through 2011, and for any
45 other supplements to the Iowa Code. The Iowa Code
46 editor may attest to and authenticate any portion
47 of such official legal publication for purposes of
48 admitting a portion of the official legal publication
49 in any court or office of any state, territory,
50 or possession of the United States or in a foreign

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1 jurisdiction.

2 Sec. 44. Section 3.1, subsection 1, paragraphs a
3 and b, Code 2014, are amended to read as follows:

4 a. Shall refer to the numbers of the sections or
5 chapters of the Code ~~or Code Supplement~~ to be amended
6 or repealed, but it is not necessary to refer to the
7 sections or chapters in the title.

8 b. Shall refer to the session of the general
9 assembly and the sections and chapters of the Acts to
10 be amended if the bill relates to a section or sections
11 of an Act not appearing in the Code ~~or codified in a~~
12 ~~supplement to the Code.~~

13 Sec. 45. Section 3.3, Code 2014, is amended to read
14 as follows:

15 **3.3 Headnotes and historical references.**

16 1. Proper headnotes may be placed at the beginning
17 of a section of a bill or at the beginning of a Code
18 section, and at the end of a Code section there may
19 be placed a reference to the section number of the
20 Code, or any Iowa Act from which the matter of the Code
21 section was taken or Code section subunit. However,
22 except as provided for the uniform commercial code
23 pursuant to section 554.1107, headnotes shall not be
24 considered as part of the law as enacted.

25 2. At the end of a Code section there may be placed
26 a reference to the section number of the Code, or any
27 Iowa Act from which the matter of the Code section was
28 taken. Historical references shall not be considered
29 as a part of the law as enacted.

30 DIVISION V

31 STATEWIDE PRESCHOOL

32 Sec. 46. Section 256C.3, subsection 3, paragraph h,
33 Code 2014, is amended to read as follows:

34 h. Provision for ensuring that children receiving
35 care from other child care arrangements can participate
36 in the preschool program with minimal disruption due to
37 transportation and movement from one site to another.
38 The children participating in the preschool program may
39 be transported by the school district to activities
40 associated with the program along with other children.

41 Sec. 47. Section 256C.4, subsection 1, paragraphs g
42 and h, Code 2014, are amended to read as follows:

43 g. For the fiscal year beginning July 1, 2011
44 2013, and each succeeding fiscal year, of the amount
45 of preschool foundation aid received by a school
46 district for a fiscal year in accordance with section
47 257.16, not more than five percent may be used by
48 the school district for administering the district's
49 approved local program. Outreach activities and rent
50 for facilities not owned by the school district are

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1 permissive uses of the administrative funds.
2 h. For the fiscal year beginning July 1, ~~2012~~ 2013,
3 and each succeeding fiscal year, of the amount of
4 preschool foundation aid received by a school district
5 for a fiscal year in accordance with section 257.16,
6 not less than ninety-five percent of the per pupil
7 amount shall be passed through to a community-based
8 provider for each pupil enrolled in the district's
9 approved local program. For the fiscal year beginning
10 July 1, ~~2011~~ 2013, and each succeeding fiscal year, not
11 more than ~~five~~ ten percent of the amount of preschool
12 foundation aid passed through to a community-based
13 provider may be used by the community-based provider
14 for administrative costs. The costs of outreach
15 activities and rent for facilities not owned by
16 the school district are permissive administrative
17 costs. The costs of transportation involving children
18 participating in the preschool program and other
19 children may be prorated.
20 Sec. 48. EFFECTIVE UPON ENACTMENT. This division
21 of this Act, being deemed of immediate importance,
22 takes effect upon enactment.
23 Sec. 49. RETROACTIVE APPLICABILITY. This division
24 of this Act applies retroactively to July 1, 2013.
25 DIVISION VI
26 SCHOOL DISTRICT PER PUPIL TRANSPORTATION COST
27 Sec. 50. Section 257.11, Code 2014, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 7A. School district per pupil
30 transportation cost.
31 a. In order to provide additional funds for school
32 districts with district transportation costs per pupil
33 in excess of the state average transportation costs per
34 pupil, as those amounts are determined under section
35 257.31, subsection 17, a supplementary weighting plan
36 for determining enrollment is adopted.
37 b. A supplementary weighting amount per pupil as
38 determined under paragraph "c" shall be assigned to
39 each transported pupil of a school district that meets
40 the requirement of paragraph "a".
41 c. The department of management shall calculate
42 a supplementary weighting amount per pupil for each
43 school district meeting the requirement of paragraph
44 "a" to generate an amount for the school district equal
45 to the number of transported pupils in the district
46 multiplied by the difference between the district
47 transportation costs per pupil and the state average
48 transportation cost per pupil.
49 d. Eligibility for supplementary weighting under
50 this subsection shall not affect a school district's

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1 eligibility for transportation assistance under section
2 257.31, subsection 17.

3 Sec. 51. APPLICABILITY. This division of this Act
4 applies to school budget years beginning on or after
5 July 1, 2014.

6 DIVISION VII

7 PERSONNEL SETTLEMENT AGREEMENTS

8 Sec. 52. NEW SECTION. 70A.35 Personnel settlement
9 agreements — public employers.

10 1. For purposes of this section:

11 a. "*Personnel settlement agreement*" means a binding
12 legal agreement between an employee and the employee's
13 state employer to resolve a personnel dispute including
14 but not limited to a grievance. "*Personnel settlement*
15 *agreement*" does not include an initial decision by an
16 employee's immediate supervisor concerning a personnel
17 dispute or grievance.

18 b. "*State employer*" means any of the following:

19 (1) The executive branch of state government,
20 to include a unit of state government, which is an
21 authority, board, commission, committee, council,
22 department, or independent agency as defined in section
23 7E.4, including but not limited to each principal
24 central department enumerated in section 7E.5; the
25 office of the governor; and the office of an elective
26 constitutional or statutory officer.

27 (2) The general assembly, or any office or unit
28 under its administrative authority.

29 (3) The judicial branch, as provided in section
30 602.1102.

31 2. a. For personnel settlement agreements with an
32 employee of the executive branch, excluding an employee
33 of the state board of regents or institution under the
34 control of the state board of regents, the personnel
35 settlement agreement shall, to the extent consistent
36 with any provision of an applicable collective
37 bargaining agreement, be reviewed and approved as
38 to form by the attorney general or by the attorney
39 general's designee, and approved by the director of
40 the department of management, the director of the
41 department of administrative services, and the head of
42 the agency involved with the matter at issue.

43 b. For personnel settlement agreements with an
44 employee of the state board of regents or institution
45 under the control of the state board of regents,
46 the personnel settlement agreement shall, to the
47 extent consistent with any provision of an applicable
48 collective bargaining agreement, be reviewed and
49 approved as to form by the attorney general or by
50 the attorney general's designee, and approved by the

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1 executive director of the state board of regents and
2 the head of the institution involved with the matter
3 at issue. Any costs or payments associated with the
4 personnel settlement agreement shall be authorized by
5 the state appeal board established in section 24.26,
6 and paid as a claim under chapter 25.

7 *c.* For personnel settlement agreements with
8 an employee of the judicial branch, the personnel
9 settlement agreement shall, to the extent consistent
10 with any provision of an applicable collective
11 bargaining agreement, be approved by the state court
12 administrator.

13 *d.* For personnel settlement agreements with an
14 employee of the general assembly, the personnel
15 settlement agreement shall be approved by the
16 legislative council or the appropriate committee of the
17 senate or house of representatives.

18 *e.* For personnel settlement agreements with an
19 employee subject to review and approval pursuant to
20 the requirements of a collective bargaining agreement
21 that are inconsistent with the requirements of this
22 subsection, a report on the personnel settlement
23 agreement shall be provided to those persons who would
24 otherwise review or approve the personnel settlement
25 agreement for that employee.

26 3. Personnel settlement agreements shall not
27 contain any confidentiality or nondisclosure provision
28 that attempts to prevent the disclosure of the
29 personnel settlement agreement. A confidentiality
30 or nondisclosure provision in a personnel settlement
31 agreement is void and unenforceable.

32 4. All personnel settlement agreements shall be
33 made easily accessible to the public on an internet
34 site maintained as follows:

35 *a.* For personnel settlement agreements with an
36 employee of the executive branch, excluding an employee
37 of the state board of regents or institution under
38 the control of the state board of regents, by the
39 department of administrative services.

40 *b.* For personnel settlement agreements with an
41 employee of the state board of regents or institution
42 under the control of the state board of regents, by the
43 state board of regents.

44 *c.* For personnel settlement agreements with an
45 employee of the judicial branch, by the judicial
46 branch.

47 *d.* For personnel settlement agreements with an
48 employee of the general assembly, by the general
49 assembly.

50 Sec. 53. EFFECTIVE UPON ENACTMENT. This division

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1 of this Act, being deemed of immediate importance,
2 takes effect upon enactment.

3 DIVISION VIII

4 PERSONNEL SETTLEMENT AGREEMENTS EXAMINATION

5 Sec. 54. AUDITOR OF STATE EXAMINATION — PERSONNEL
6 SETTLEMENT AGREEMENTS. The auditor of state shall
7 expend such amount as is necessary for purposes
8 of conducting an examination concerning personnel
9 settlement agreements made by the state with terminated
10 state employees since January 2011 that were not
11 approved by the state appeal board or decided by the
12 public employment relations board. The examination
13 shall include the nature of the positions subject to
14 termination, the payments provided and the funding
15 source of the payments, and the identity and authority
16 of the person or persons signing the personnel
17 settlement agreement on behalf of the state. A report
18 on the results of the examination shall be submitted to
19 the general assembly by December 1, 2014. The auditor
20 of state shall be authorized to charge the department
21 of administrative services for costs associated with
22 the examination.

23 Sec. 55. EFFECTIVE UPON ENACTMENT. This division
24 of this Act, being deemed of immediate importance,
25 takes effect upon enactment.

26 DIVISION IX

27 SERVICE CONTRACTS

28 Sec. 56. Section 8.47, subsection 1, unnumbered
29 paragraph 1, Code 2014, is amended to read as follows:
30 The department of administrative services, in
31 cooperation with the office of attorney general and
32 the department of management, shall adopt uniform
33 terms and conditions for service contracts executed
34 by a department or establishment benefiting from
35 service contracts which terms and conditions shall be
36 consistent with the contractual requirements of chapter
37 8F. The terms and conditions shall include but are not
38 limited to all of the following:

39 Sec. 57. Section 8F.3, subsection 3, Code 2014, is
40 amended to read as follows:

41 3. Prior to entering into a service contract with a
42 recipient entity, the oversight agency shall ~~determine~~
43 do all of the following:

44 a. Determine whether the recipient entity can
45 reasonably be expected to comply with the requirements
46 of the service contract. If the oversight entity is
47 unable to determine whether the recipient entity can
48 reasonably be expected to comply with the requirements
49 of the service contract, the oversight entity shall
50 request such information from the recipient entity as

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1 described in subsection 1 to make a determination. If
2 the oversight agency determines from the information
3 provided that the recipient entity cannot reasonably be
4 expected to comply with the requirements of the service
5 contract, the oversight agency shall not enter into the
6 service contract.

7 b. Perform a cost comparison establishing whether
8 the contract costs from the proposed service contract
9 are less than the costs of having the services provided
10 by an agency. Contract costs shall include direct
11 costs, including salaries and fringe benefits, indirect
12 overhead costs, including the contractor's proportional
13 share of existing administrative salaries and benefits,
14 rent and equipment costs, utilities, and materials.
15 Additionally, transition costs, including unemployment
16 compensation, shall be included in the analysis of
17 contract costs. If the oversight agency determines
18 from the information provided that the contract costs
19 of the recipient entity are not less than the costs
20 of having the services provided by an agency, the
21 oversight agency shall not enter into the service
22 contract.

23 c. If the proposed service contract may result in
24 reduced public employment by an agency in an area,
25 perform an economic impact analysis to consider the
26 impact of the service contract on the possible loss of
27 employment or income in the affected area, impact on
28 social services to include public assistance programs,
29 economic impact on local businesses, any possible
30 changes in tax revenue for the affected area, and any
31 environmental impacts that may result from the service
32 contract.

33 Sec. 58. Section 8F.3, Code 2014, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 4. A service contract with a
36 recipient entity shall include the following terms and
37 conditions:

38 a. Specific performance criteria and cost
39 parameters with termination provisions for failure to
40 meet the performance criteria and cost parameters.

41 b. A requirement that the compensation paid to
42 employees of a recipient entity pursuant to the service
43 contract shall be comparable to the compensation paid
44 to public employees performing similar work or the
45 average private sector wage in this state for similar
46 work, whichever is less.

47 c. A provision prohibiting the automatic renewal of
48 the terms of a service contract without complying with
49 the requirements of this section prior to renewing the
50 service contract.

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1 d. A provision prohibiting the payment for services
2 under the service contract regardless of whether the
3 services are actually provided.

4 Sec. 59. Section 8F.4, Code 2014, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 4. An oversight agency shall make
7 information described in section 8F.3, subsection 3,
8 paragraphs "b" and "c", and information required to be
9 reported by a recipient agency pursuant to this section
10 available to the public.

11 Sec. 60. Section 8G.3, subsection 3, paragraph
12 a, Code 2014, is amended by adding the following new
13 subparagraph:

14 NEW SUBPARAGRAPH. (10) A recipient entity as
15 defined in section 8F.2.

16 Sec. 61. Section 8G.4, subsection 2, Code 2014, is
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. 0j. Information required to be
19 provided pursuant to chapter 8F.

20 DIVISION X

21 STATE EMPLOYMENT HIRING PROCEDURES

22 Sec. 62. NEW SECTION. 70A.21 State employment —
23 designation of ineligibility procedures — penalty.

24 1. A board, commission, agency, or department of
25 the state that seeks to designate an individual as
26 ineligible to apply for; to be considered, referred, or
27 approved for; or to be appointed to employment by the
28 state or any of its boards, commissions, agencies, or
29 departments, shall do all of the following:

30 a. Maintain documentation of the designation
31 of ineligibility, to include signatures from the
32 individual's immediate supervisor and the applicable
33 head of the board, commission, agency, or department,
34 the extent of the individual's ineligibility for state
35 employment, proof of notification of the individual,
36 and any information concerning any appeals regarding
37 the designation.

38 b. Notify the individual prior to or within ten
39 days of discharge of the designation of ineligibility
40 and the extent of the individual's ineligibility for
41 state employment. The notification shall include
42 information on the process for an individual to appeal,
43 remove, or modify the designation of ineligibility.

44 2. Each board, commission, agency, or department
45 of the state shall establish a process for an
46 individual to appeal, remove, or modify a designation
47 of ineligibility. Following a final determination by
48 the board, commission, agency or department within
49 the executive branch of the state relative to an
50 appeal or attempt to remove or modify a designation

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1 of ineligibility by an individual, the individual
2 may appeal to the public employment relations board
3 created in section 20.5, for individuals subject to the
4 jurisdiction of the board, and to an administrative law
5 judge employed by the department of inspections and
6 appeals, for all other individuals.

7 Sec. 63. NEW SECTION. 70A.22 State employee hiring
8 requirements.

9 An employer of state employees shall establish
10 procedures providing for the hiring of employees by
11 the employer. The procedures shall provide for the
12 public announcement of vacancies of the employer
13 at least ten days in advance of the date fixed for
14 the filing of applications for the vacancies and
15 for the advertisement of the vacancies through the
16 communications media.

17 DIVISION XI

18 STATE EMPLOYEE BONUSES

19 Sec. 64. NEW SECTION. 22.13B Executive branch
20 bonuses — disclosure.

21 1. For purposes of this section:

22 a. "Bonus pay" means any additional remuneration
23 in an amount exceeding two hundred dollars provided
24 an employee in the form of a bonus, including but
25 not limited to a retention bonus, recruitment bonus,
26 exceptional job performance pay, extraordinary
27 job performance pay, exceptional performance pay,
28 extraordinary duty pay, or extraordinary or special
29 duty pay, and any extra benefit not otherwise provided
30 to other similarly situated employees.

31 b. "Executive branch employee" means an employee
32 of the executive branch of state government, which
33 includes any unit of state government, including
34 but not limited to an authority, board, commission,
35 committee, council, department, or independent
36 agency as defined in section 7E.4, and each principal
37 central department enumerated in section 7E.5; the
38 office of the governor; and the office of an elective
39 constitutional or statutory officer.

40 2. A decision to provide bonus pay to an executive
41 branch employee, including the amount paid and the
42 documented reasons and rationale for the bonus paid,
43 shall be a public record.

44 3. All decisions to provide bonus pay to an
45 executive branch employee, including information
46 described in subsection 2, shall be made easily
47 accessible to the public on an internet site maintained
48 as follows:

49 a. For decisions to provide bonus pay to an
50 employee of the executive branch, excluding an employee

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1 of the state board of regents or institution under
2 the control of the state board of regents, by the
3 department of administrative services.

4 *b.* For decisions to provide bonus pay to an
5 employee of the state board of regents or institution
6 under the control of the state board of regents, by the
7 state board of regents.

8 DIVISION XII
9 WHISTLEBLOWER PROTECTION

10 Sec. 65. Section 8A.417, subsection 4, Code 2014,
11 is amended by striking the subsection and inserting in
12 lieu thereof the following:

13 4. *a.* For purposes of this subsection, "*a*
14 *disclosure of information permitted by this section*"
15 includes any of the following:

16 (1) A disclosure of any information by the employee
17 to a member or employee of the general assembly if the
18 information can be used by the member or employee of
19 the general assembly in the performance of the member's
20 or employee's duties, regardless of whether the member
21 or employee requested the information.

22 (2) A disclosure of information to any appropriate
23 person if the employee reasonably believes the
24 information evidences a violation of law or rule,
25 mismanagement, a gross abuse of funds, an abuse of
26 authority, or a substantial and specific danger to
27 public health or safety.

28 *b.* A person shall not do any of the following as a
29 reprisal against an employee in a position in a merit
30 system administered by, or subject to approval of,
31 the director, who makes a disclosure of information
32 permitted by this section or who fails to inform
33 the person that the employee made a disclosure of
34 information permitted by this section:

35 (1) Discharge, suspend, or demote the employee, or
36 take any other adverse employment action resulting in
37 a reduction of the employee's pay.

38 (2) Fail to appoint or promote the employee to a
39 position in the merit system or fail to take action
40 regarding an advantage to the employee.

41 *c.* However, an employee may be required to inform
42 the person that the employee made a disclosure of
43 information permitted by this section if the employee
44 represented that the disclosure was the official
45 position of the employee's immediate supervisor or
46 employer.

47 *d.* An employer subject to the requirements of this
48 subsection shall inform the employer's employees on a
49 regular basis of their rights to disclose information
50 as provided in this subsection.

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1 e. This subsection does not apply if the disclosure
2 of the information is prohibited by statute.

3 Sec. 66. Section 8F.3, subsection 1, paragraph d,
4 Code 2014, is amended to read as follows:

5 d. Information regarding any policies adopted
6 by the governing body of the recipient entity that
7 ensure compliance with section 70A.29 and that prohibit
8 taking adverse employment action against employees of
9 the recipient entity who disclose information about a
10 service contract to the oversight agency, the auditor
11 of state, the office of the attorney general, or
12 the office of ombudsman and that state whether those
13 policies are substantially similar to the protection
14 provided to state employees under section 70A.28. The
15 information provided shall state whether employees of
16 the recipient entity are informed on a regular basis
17 of their rights pursuant to section 70A.29 and of
18 their rights to disclose information to the oversight
19 agency, the office of ombudsman, the auditor of state,
20 or the office of the attorney general and the telephone
21 numbers of those organizations.

22 Sec. 67. Section 70A.28, subsection 1, Code 2014,
23 is amended to read as follows:

24 1. A person who serves as the head of a state
25 department or agency or otherwise serves in a
26 supervisory capacity within the executive or
27 legislative branch of state government shall not
28 prohibit an employee of the state from making a
29 disclosure of information permitted by this section or
30 require an employee of the state to inform the person
31 that the employee made a disclosure of information
32 permitted by this section and shall not prohibit an
33 employee of the state from disclosing any information
34 to a member or employee of the general assembly or from
35 disclosing information to any other public official
36 or law enforcement agency if the employee reasonably
37 believes the information evidences a violation of
38 law or rule, mismanagement, a gross abuse of funds,
39 an abuse of authority, or a substantial and specific
40 danger to public health or safety. However, an
41 employee may be required to inform the person that the
42 employee made a disclosure of information permitted
43 by this section if the employee represented that the
44 disclosure was the official position of the employee's
45 immediate supervisor or employer.

46 Sec. 68. Section 70A.28, subsection 2, Code 2014,
47 is amended by striking the subsection and inserting in
48 lieu thereof the following:

49 2. a. A person shall not do any of the following
50 as a reprisal against an employee in a position in a

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1 state employment system administered by, or subject to
2 approval of, a state agency, who makes a disclosure of
3 information permitted by this section or who fails to
4 inform the person that the employee made a disclosure
5 of information permitted by this section:
6 (1) Discharge, suspend, or demote the employee, or
7 take any other adverse employment action resulting in
8 a reduction of the employee's pay.
9 (2) Fail to appoint or promote the employee to a
10 position in the state employment system or fail to take
11 action regarding an advantage to the employee.
12 b. However, an employee may be required to inform
13 the person that the employee made a disclosure of
14 information permitted by this section if the employee
15 represented that the disclosure was the official
16 position of the employee's immediate supervisor or
17 employer.
18 Sec. 69. Section 70A.28, Code 2014, is amended by
19 adding the following new subsection:
20 NEW SUBSECTION. 2A. For purposes of this section,
21 *"a disclosure of information permitted by this section"*
22 includes any of the following:
23 a. A disclosure of any information by the employee
24 to a member or employee of the general assembly if the
25 information can be used by the member or employee of
26 the general assembly in the performance of the member's
27 or employee's duties, regardless of whether the member
28 or employee requested the information.
29 b. A disclosure of information to any appropriate
30 person if the employee reasonably believes the
31 information evidences a violation of law or rule,
32 mismanagement, a gross abuse of funds, an abuse of
33 authority, or a substantial and specific danger to
34 public health or safety.
35 Sec. 70. Section 70A.28, subsection 5, paragraph a,
36 Code 2014, is amended to read as follows:
37 a. A person who violates subsection 2 is liable to
38 an aggrieved employee for affirmative relief including
39 reinstatement, with or without back pay, actual
40 damages, or any other equitable relief the court deems
41 appropriate, including attorney fees and costs.
42 Sec. 71. Section 70A.29, Code 2014, is amended by
43 adding the following new subsection:
44 NEW SUBSECTION. 01. For purposes of this section,
45 unless the context otherwise requires:
46 a. *"Disclosure of information permitted by this*
47 *section"* includes any of the following:
48 (1) A disclosure of any information by the employee
49 to a member or employee of the general assembly if the
50 information can be used by the member or employee of

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1 the general assembly in the performance of the member's
2 or employee's duties, regardless of whether the member
3 or employee requested the information.
4 (2) A disclosure of information to any appropriate
5 person if the employee reasonably believes the
6 information evidences a violation of law or rule,
7 mismanagement, a gross abuse of funds, an abuse of
8 authority, or a substantial and specific danger to
9 public health or safety.
10 b. "Eligible employer" means any of the following:
11 (1) A political subdivision of this state.
12 (2) An entity organized under chapter 28E.
13 (3) A recipient entity as defined in section 8F.2.
14 Sec. 72. Section 70A.29, subsection 1, Code 2014,
15 is amended by striking the subsection and inserting in
16 lieu thereof the following:
17 1. a. A person shall not do any of the following
18 as a reprisal against an employee in a position in
19 employment by an eligible employer for a disclosure of
20 information permitted by this section:
21 (1) Discharge, suspend, or demote the employee, or
22 take any other adverse employment action resulting in
23 a reduction of the employee's pay.
24 (2) Fail to appoint or promote the employee to
25 a position in the employment or fail to take action
26 regarding an advantage to the employee.
27 b. This section does not apply if the disclosure of
28 the information is prohibited by statute.
29 Sec. 73. Section 70A.29, subsection 3, paragraph a,
30 Code 2014, is amended to read as follows:
31 a. A person who violates subsection 1 is liable to
32 an aggrieved employee for affirmative relief including
33 reinstatement, with or without back pay, actual
34 damages, or any other equitable relief the court deems
35 appropriate, including attorney fees and costs.
36 Sec. 74. Section 70A.29, Code 2014, is amended by
37 adding the following new subsection:
38 NEW SUBSECTION. 4. An eligible employer subject
39 to the requirements of this section shall inform the
40 employer's employees on a regular basis of their rights
41 to disclose information as provided in this section.
42 DIVISION XIII
43 VERTICAL INFRASTRUCTURE ADVISORY COMMITTEE
44 Sec. 75. NEW SECTION. 8.57G Vertical
45 infrastructure advisory committee.
46 1. A vertical infrastructure advisory committee is
47 established consisting of seven members, appointed by
48 the governor, and subject to confirmation by the senate
49 pursuant to section 2.32. Committee members shall be
50 appointed in compliance with sections 69.16, 69.16A,

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1 and 69.16C. Committee members shall reside in this
2 state.
3 2. The members of the committee shall serve for
4 staggered three-year terms which shall begin and end
5 pursuant to section 69.19. Members appointed shall
6 continue to serve until their respective successors
7 are appointed. Vacancies in the membership of the
8 committee shall be filled by the governor. Members
9 shall receive actual expenses incurred while serving in
10 their official capacity. Members may also be eligible
11 to receive compensation as provided in section 7E.6.
12 The governor shall designate the chairperson of the
13 committee.
14 3. The department of management and the department
15 of administrative services shall provide staff
16 assistance and support services to the committee.
17 4. The committee shall have the following duties:
18 a. Oversee the inventory and assessment of the
19 vertical infrastructure owned or under the control of
20 the state.
21 b. Develop and recommend methods for identifying,
22 evaluating, and prioritizing infrastructure needs.
23 c. Annually develop and submit to the governor and
24 the general assembly no later than December 15 of each
25 year, comprehensive five-year plans of recommendations,
26 including suggested lists of priority projects. The
27 priority listing of projects shall be developed to
28 assist the governor in establishing a priority listing
29 of priority projects to be submitted to the general
30 assembly pursuant to section 8.22. Recommendations
31 shall include the level of funding necessary to
32 complete each project recommended and a timetable for
33 completion of the project if the project is anticipated
34 to require more than one year to complete.>
35 _____. Title page, by striking lines 1 through 3
36 and inserting <An Act relating to state and local
37 finances by making appropriations, providing for fees,
38 providing for legal responsibilities, and providing
39 for regulatory requirements, taxation, and other
40 properly related matters, and including penalties and
41 effective date and retroactive and other applicability
42 provisions.>>

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House File 2109

S-5190

1 Amend House File 2109, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 142B.1 Definitions.
6 As used in this chapter, unless the context
7 otherwise requires:
8 1. "*Electronic smoking device*" means any product
9 containing or delivering nicotine, whether or not made
10 or derived from tobacco, or other substance intended
11 for human consumption that can be used by a person
12 to simulate smoking including through inhalation
13 of vapor or aerosol from the product. "*Electronic*
14 *smoking device*" includes any component part of such
15 product whether or not sold separately. "*Electronic*
16 *smoking device*" does not include any product that
17 has been approved by the United States food and drug
18 administration for sale as a tobacco cessation product
19 and is being marketed and sold solely for that approved
20 purpose.
21 2. "*Retail permit*" means a permit issued pursuant
22 to section 453A.13 or 453A.47A to retailers of
23 cigarettes or tobacco products.
24 3. "*Retailer*" means any person in this state who
25 sells, distributes, or offers for sale for consumption
26 or possesses for the purpose of sale for consumption,
27 electronic smoking devices irrespective of quantity or
28 amount or the number of sales.
29 Sec. 2. NEW SECTION. 142B.2 Retail permits
30 required.
31 1. It shall be unlawful for a person other than
32 a holder of a retail permit to act as a retailer and
33 sell, distribute, or offer for sale electronic smoking
34 devices at retail under this chapter.
35 2. A retailer shall not sell, distribute, or
36 offer for sale any electronic smoking device until
37 an application has been filed and the fee prescribed
38 paid for a retail permit and until such retail permit
39 is obtained and only while such retail permit is not
40 suspended, unrevoked, or unexpired.
41 3. The provisions of chapter 453A applicable to
42 retail permit holders including but not limited to
43 section 453A.13, 453A.22, 453A.47A, and 453A.50 shall
44 also apply to retailers under this chapter, with the
45 exception of the application to electronic smoking
46 devices of requirements relating to the imposition of
47 a tax on and the affixing of stamps to cigarettes or
48 tobacco products.
49 Sec. 3. NEW SECTION. 142B.3 Access to electronic
50 smoking devices — compliance checks — manner of sale

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1 — samples — marketing — penalties.

2 1. A person shall not sell, give, or otherwise
3 supply any electronic smoking device to any person
4 under eighteen years of age.

5 2. A person under eighteen years of age shall not
6 use, possess, purchase, or attempt to purchase any
7 electronic smoking device.

8 3. A retailer shall not sell or offer for sale
9 electronic smoking devices through the use of a
10 self-service display or a vending machine.

11 4. A retailer shall not give away electronic
12 smoking devices at any time in connection with the
13 retailer's business or for promotion of the business
14 or device.

15 5. A person shall not engage in commercial nonsale
16 distribution of electronic smoking devices. For the
17 purposes of this subsection, "*nonsale distribution*"
18 means the distribution to the public of electronic
19 smoking devices through the redeeming of a coupon or
20 use of a rebate or other promotional offer that results
21 in a person receiving such product for free or at a
22 nominal cost.

23 6. A person shall not market an electronic smoking
24 device in any outdoor area within five hundred feet
25 of a playground, school, high school, or any other
26 place used by persons under eighteen years of age for
27 recreational, educational, or other purposes.

28 7. A person shall not market electronic smoking
29 devices in the state in any place of business unless
30 the business ensures that no person younger than
31 eighteen years of age is present or permitted to enter
32 at any time.

33 8. Liquid refills for electronic smoking devices
34 shall only be sold in child resistant packaging.

35 9. Possession of an electronic smoking device
36 by an individual under eighteen years of age does
37 not constitute a violation under this section if the
38 individual under eighteen years of age possesses the
39 electronic smoking device as part of the individual's
40 employment and the individual is employed by a person
41 who holds a valid retail permit.

42 10. *a.* The alcoholic beverages division of the
43 department of commerce, a county, or a city may
44 directly enforce subsections 1 and 2 in district court
45 and initiate proceedings pursuant to section 453A.22
46 before a permit-issuing authority which issued the
47 retail permit against a retail permit holder violating
48 this section.

49 *b.* Payment and distribution of court costs, fees,
50 and fines in a prosecution initiated by a city or

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1 county relating to subsection 1 or 2 shall be made as
2 provided in chapter 602 for violation of a city or
3 county ordinance.

4 *c.* If a county or a city has not assessed a penalty
5 as provided in section 453A.22, subsection 2, for a
6 violation of subsection 1, within sixty days of the
7 adjudication of the violation, the matter shall be
8 transferred to and be the exclusive responsibility of
9 the alcoholic beverages division of the department
10 of commerce. Following transfer of the matter, if
11 the violation is contested, the alcoholic beverages
12 division of the department of commerce shall request
13 an administrative hearing before an administrative
14 law judge, assigned by the division of administrative
15 hearings of the department of inspections and appeals
16 in accordance with the provisions of section 10A.801,
17 to adjudicate the matter pursuant to chapter 17A.

18 *d.* The provisions of section 453A.4 relating
19 to seizure of a false or altered driver's license
20 or nonoperator's identification card shall apply
21 to retailers and employees of retailers under this
22 chapter.

23 *e.* The alcoholic beverages division of the
24 department of commerce shall enhance and utilize the
25 tobacco compliance employee training program developed
26 pursuant to section 453A.5 to assess compliance with
27 subsections 1 and 2 by employees and prospective
28 employees of retailers. Civil penalties assessed under
29 section 453A.22 for violations of this subsections 1
30 and 2 shall be deposited in the tobacco compliance
31 employee training fund created in section 453A.2.

32 Sec. 4. **NEW SECTION. 142B.4 Penalties.**

33 1. *a.* (1) A person, other than a retailer, who
34 violates section 142B.3, subsection 1, is subject to
35 the same penalties applicable to a violation of section
36 453A.2, subsection 1.

37 (2) An employee of a retailer who violates section
38 142B.3, subsection 1, is subject to the same penalties
39 applicable to a violation of section 453A.2, subsection
40 1.

41 *b.* A person who violates section 142B.3, subsection
42 2, is subject to the same penalties applicable to
43 violations of section 453A.2, subsection 2.

44 *c.* (1) A person shall not be guilty of a violation
45 of section 142B.3, subsection 1 or 2, if conduct that
46 would otherwise constitute a violation is performed to
47 assess compliance with electronic smoking device laws
48 if any of the following applies:

49 (a) The compliance effort is conducted by or under
50 the supervision of law enforcement officers.

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1 (b) The compliance effort is conducted with the
2 advance knowledge of law enforcement officers and
3 reasonable measures are adopted by those conducting
4 the effort to ensure that use of electronic smoking
5 devices by individuals under eighteen years of age does
6 not result from participation by any individual under
7 eighteen years of age in the compliance effort.
8 d. For the purposes of paragraph "c", "law
9 enforcement officer" means a peace officer as defined
10 in section 801.4 and includes persons designated under
11 section 142B.3, subsection 10, to enforce this section.
12 2. a. A retailer who violates section 142B.3,
13 subsection 3, is subject to the same penalties
14 applicable to a violation of section 453A.36,
15 subsection 6, or section 453A.36A, as applicable.
16 b. A retailer who willfully violates section
17 142B.3, subsection 1, or who violates another
18 provision of this chapter, is subject to the applicable
19 provisions of section 453A.22 for violations of section
20 453A.2 or other provisions of chapter 453A.
21 c. A retailer or employee of a retailer who
22 violates section 142B.3, subsection 1 or 3, is subject
23 to the provisions of section 453A.22 applicable to
24 a violation of section 453A.2 or section 453A.36,
25 subsection 6.
26 d. A retailer of an employee who violates section
27 142B.3, subsection 1, is subject to the provisions of
28 section 453A.22, subsection 3.
29 e. Section 453A.22, subsections 5, 6, and 7 shall
30 also apply to the suspensions or revocations of retail
31 permits resulting under this subsection.
32 3. Retailers shall be subject to other penalties
33 specified under chapter 453A including those specified
34 for certain violations pursuant to section 453A.31,
35 453A.37, and 453A.47A applicable to retail permit
36 holders.
37 Sec. 5. **NEW SECTION. 142B.5 Implementation,**
38 **application, and enforcement.**
39 For the purposes of implementation, application, and
40 enforcement of this chapter, nothing in this chapter
41 shall be construed to supersede the jurisdiction of
42 any city, county, township, school district, or other
43 political subdivision to adopt and enforce any local
44 law or regulation that is at least as restrictive as
45 those imposed under this chapter.>
46 2. Title page, lines 1 and 2, by striking <vapor
47 products and alternative nicotine products> and
48 inserting <electronic smoking devices>



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